

# SUPPLEMENT

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## OFFICIAL DOCUMENTS

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# OFFICIAL DOCUMENTS

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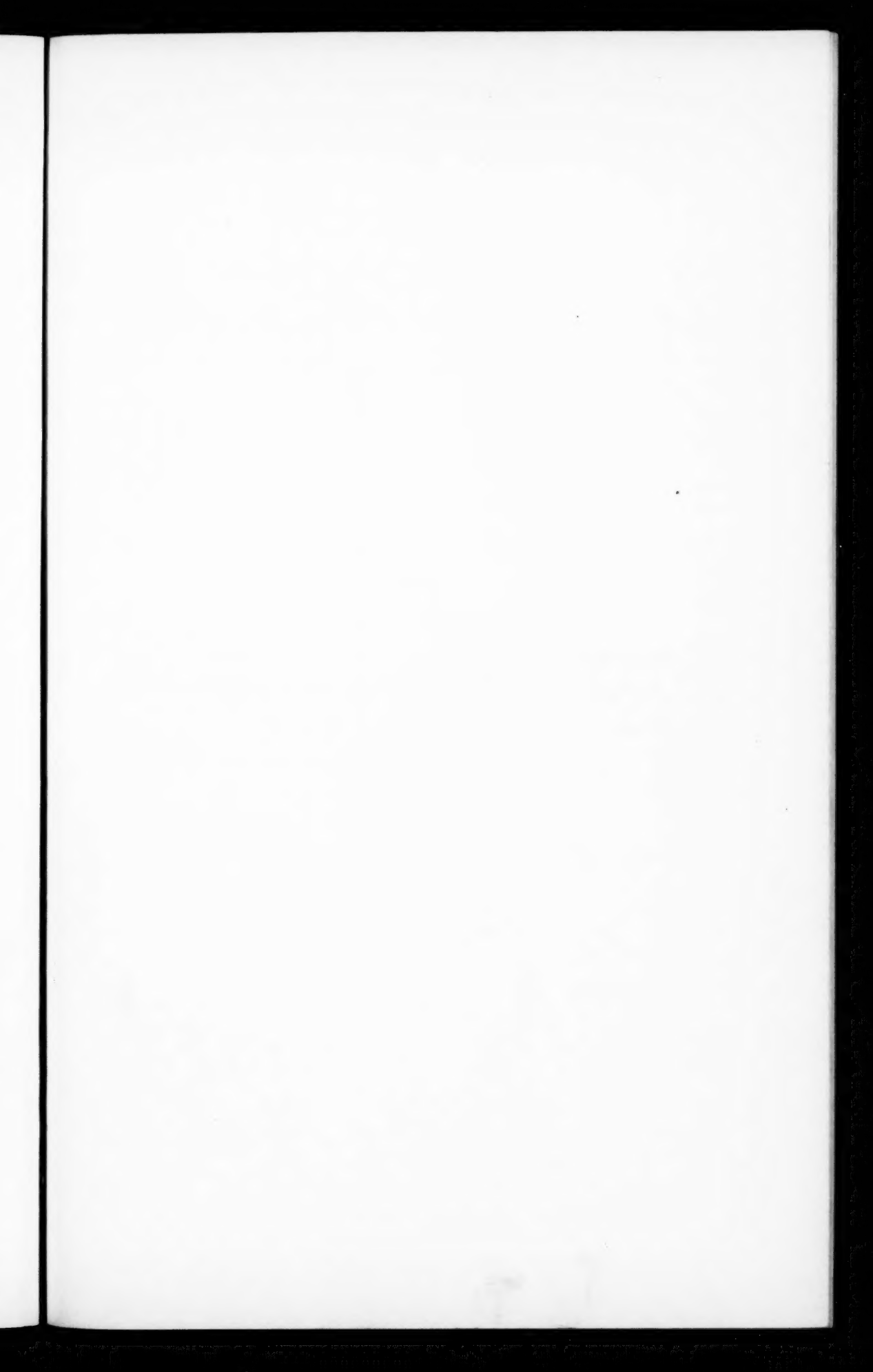
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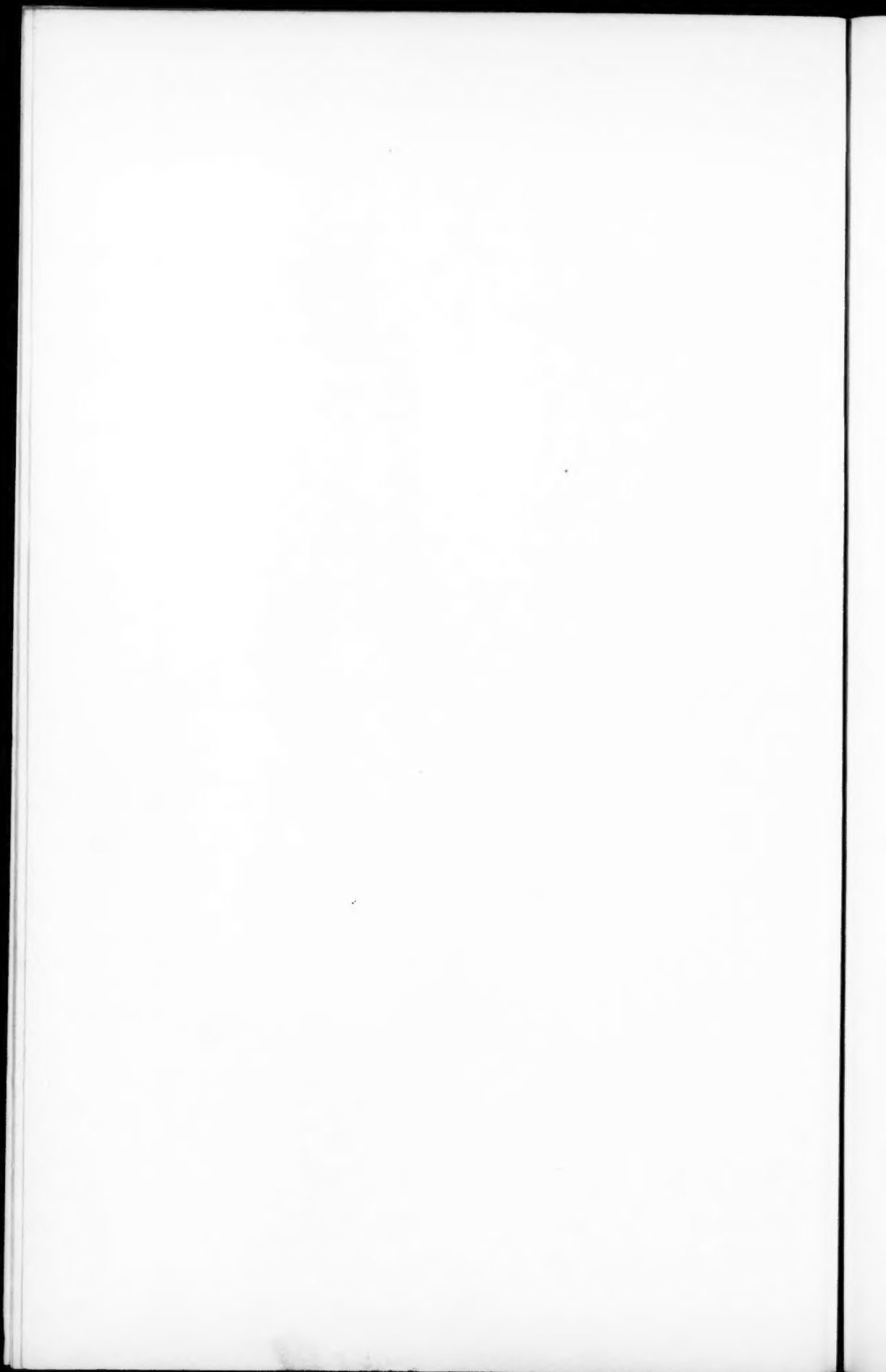
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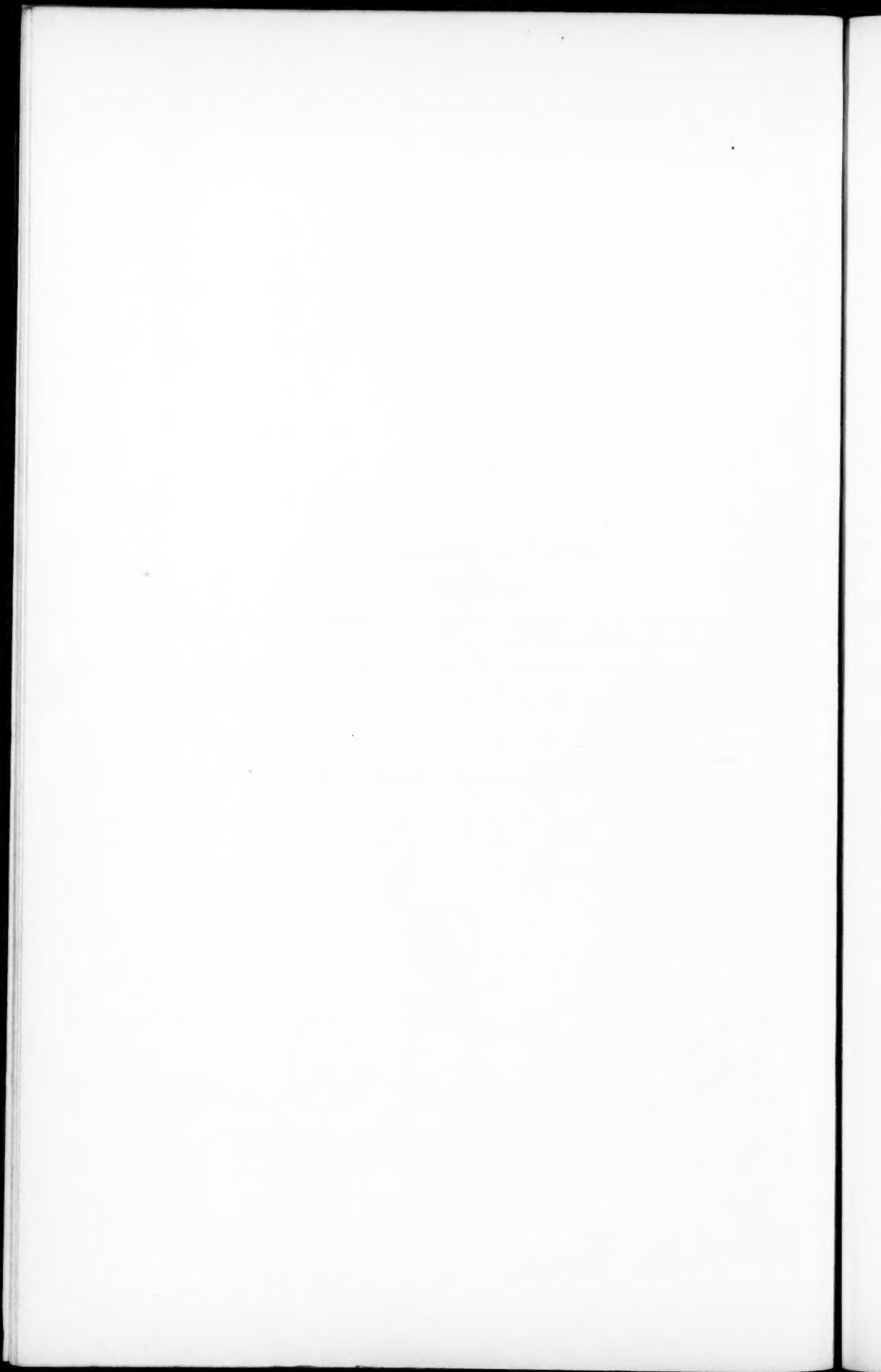




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### GENERAL PACT FOR THE RENUNCIATION OF WAR

#### NOTES BETWEEN THE UNITED STATES AND OTHER POWERS \*

*The Polish Vice Minister for Foreign Affairs (Wysocki) to the American Minister (Stetson)*

[Translation]

WARSAW, July 8, 1928.<sup>1</sup>

MR. MINISTER: I have the honor to acknowledge the receipt of the note No. 1175 of June 23 last which you were good enough to send me, to which was attached the draft of a multilateral pact against war, as proposed by his excellency Mr. Kellogg.<sup>2</sup>

The principles which Mr. Kellogg has emphasized in the draft above mentioned being entirely conformable with the objectives that Poland never ceases pursuing in its foreign policy, I have the honor to communicate to you the fact that the Polish Government accepts the text of the above-stated pact and declares itself ready to affix its signature thereto.

As regards the interpretation of the pact in question which you have been good enough to give in your note of June 23 and which confirms the fact that the pact is destined to insure the consolidation of peaceful relations between states on the basis of the existing international obligations, the Polish Government takes note of the following statements:

- (1) That the pact does not affect in any way the right of legitimate defense inherent in each state;
- (2) That each state signatory to the pact which may endeavor to realize its national interests by means of war shall be deprived of the benefits of the said pact;
- (3) That no incompatibility exists between the stipulations of the pact against war and the obligations deriving from the Covenant of the League of Nations for states which are members of the latter. This statement results from the very fact that the pact proposed by Mr. Kellogg stipulates the renunciation of war as an instrument of national policy.

These precisions as well as the opportunity given to all states to adhere to the pact, are of a nature to assure to Poland the possibility of satisfying her international obligations.

\* U. S. Govt. Printing Office, Washington, D. C., 1928, pp. 42-54.

<sup>1</sup> Although dated July 8, 1928, the note was not presented to the American Minister until July 17.

<sup>2</sup> The note of June 23 and draft pact were printed in Supplement to this JOURNAL, July, 1928 (Vol. 22), pp. 109 and 114.

The Polish Government permits itself to express the hope of seeing the realization in the near future of this great common work of peace and stabilization destined to assure its benefits to all mankind.

Please accept [etc.]

ANDREW WYSOCKI.

*The German State Secretary (Schubert) to the American Ambassador (Schurman)*

[Translation]

BERLIN, July 11, 1928.

EXCELLENCY: I acknowledge the receipt of your excellency's note of June 23, 1928, regarding the conclusion of an international pact for the renunciation of war, and have the honor to reply thereto as follows on behalf of the German Government:

The German Government has examined with the greatest care the contents of the note and the revised draft of the pact which was enclosed. The Government is pleased to state that the standpoint of the Government of the United States of America as set forth in the note corresponds with the fundamental German conception as it was communicated in the note of April 27, 1928. The German Government also agrees to the changes in the preamble of the draft of the pact. It is therefore pleased to be able to state that it takes cognizance of the statements made by the Government of the United States of America contained in your excellency's note of June 23, that it agrees to the interpretation which is given therein to the provisions of the proposed pact, and that it is accordingly ready to sign this pact in the form now proposed.

Accept [etc.]

SCHUBERT.

*The French Minister of Foreign Affairs (Briand) to the American Ambassador (Herrick)*

[Translation]

PARIS, July 14, 1928.

EXCELLENCY: By your letter of June 23 last your excellency was good enough to transmit to me a revised text of the draft treaty for the renunciation of war, accompanied by the interpretations given to it by the Government of the United States.

I beg you to convey to the Government of the United States all the interest with which the Government of the Republic has taken cognizance of this new communication, which is suited to facilitate the signature of the treaty whose successful conclusion is equally close to the hearts of the French and American nations.



First of all it follows from the new preamble that the proposed treaty indeed aims at the perpetuation of the pacific and friendly relations under the contractual conditions in which they are to-day established between the interested nations; that it is essentially a question for the signatory Powers of renouncing war "as an instrument of their national policy," and also that the signatory power which hereafter might seek to promote its own national interests by itself resorting to war, should be denied the benefits of the treaty.

The Government of the Republic is happy to declare that it is in accord with these new stipulations.

The Government of the Republic is happy, moreover, to take note of the interpretations which the Government of the United States gives to the new treaty with a view to satisfying the various observations which had been formulated from the French point of view.

These interpretations may be summarized as follows:

Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.

Secondly, none of the provisions of the new treaty is in opposition to the provisions of the Covenant of the League of Nations nor with those of the Locarno treaties or the treaties of neutrality.

Moreover, any violation of the new treaty by one of the contracting parties would automatically release the other contracting parties from their obligations to the treaty-breaking state.

Finally, the signature which the Government of the United States has now offered to all the signatory powers of the treaties concluded at Locarno and which it is disposed to offer to all powers parties to treaties of neutrality, as well as the adherence made possible to other powers, is of a nature to give the new treaty, in as full measure as can practically be desired, the character of generality which accords with the views of the Government of the Republic.

Thanks to the clarification given by the new preamble and thanks, moreover, to the interpretations given to the treaty, the Government of the Republic congratulates itself that the new convention is compatible with the obligations of existing treaties to which France is otherwise a contracting party, and the integral respect of which of necessity is imperatively imposed upon her by good faith and loyalty.

In this situation and under these conditions, the Government of the Republic is happy to be able to declare to the Government of the United States that it is now entirely disposed to sign the treaty as proposed by the letter of your excellency of June 23, 1928.

At the moment of thus assuring its contribution to the realization of a

long-matured project, all the moral significance of which it had gauged from the beginning, the Government of the Republic desires to render homage to the generous spirit in which the Government of the United States has conceived this new manifestation of human fraternity, which eminently conforms to the profound aspirations of the French people as well as of the American people and responds to the sentiment, more and more widely shared among peoples, of international solidarity.

Please accept [etc.]

ARISTIDE BRIAND.

*The Irish Free State Minister for External Affairs (McGilligan) to the American Minister (Sterling)*<sup>1</sup>

DUBLIN, July 14, 1928.

EXCELLENCY: Your excellency's note of the 23d June enclosing a revised draft of proposed treaty for the renunciation of war has been carefully studied by the Government of the Irish Free State.

As I informed you in my note of the 30th May, the Government of the Irish Free State were prepared to accept unreservedly the draft treaty proposed by your Government on the 13th April, holding, as they did, that neither their right of self-defence nor their commitments under the Covenant of the League of Nations were in any way prejudiced by its terms.

The draft treaty as revised is equally acceptable to the Government of the Irish Free State, and I have the honour to inform you that they are prepared to sign it in conjunction with such other governments as may be so disposed. As the effectiveness of the proposed treaty as an instrument for the suppression of war depends to a great extent upon its universal application, the Government of the Irish Free State hope that the treaty may meet with the approbation of the other governments to whom it has been sent and that it may subsequently be accepted by all the other powers of the world.

Accept [etc.]

P. MCGILLIGAN.

*The Italian Minister of Foreign Affairs (Mussolini) to the American Ambassador (Fletcher)*

[Translation]

ROME, July 15, 1928.

EXCELLENCY: I have the honor to refer to the letter which, under instructions of your Government, your excellency addressed to me under date of the 23d of June last and to ask your excellency to inform your Government as follows:

The Royal Government, which has attentively examined the last draft

<sup>1</sup> Text as transmitted by telegram from the Minister in the Irish Free State.

of a treaty for the elimination of war proposed by the United States, takes note of and agrees with the interpretation of the said treaty which the Government of the United States sets forth in the above-mentioned note of June 23 last and on this premise declares that it is disposed to proceed to the signature thereof.

I am happy [etc.]

MUSSOLINI.

*The Canadian Secretary of State for External Affairs (Mackenzie King)  
to the American Minister (Phillips)*

OTTAWA, July 16, 1928.

SIR: I desire to acknowledge your note of June 23 and the revised draft which it contained of the treaty for the renunciation of war, and to state that His Majesty's Government in Canada cordially accepts the treaty as revised and is prepared to participate in its signature.

Accept [etc.]

W. L. MACKENZIE KING.

*The Belgian Minister of Foreign Affairs (Hymans) to the American  
Ambassador (Gibson)*

[Translation]

BRUSSELS, July 17, 1928.

MR. AMBASSADOR: The Government of the King has examined with lively sympathy the letter of June 23 in which, acting under instructions from your Government, you have been good enough to invite Belgium to conclude a multilateral treaty providing that the signatory states bind themselves to renounce war as an instrument of national policy.

Belgium is deeply attached to peace. She has always worked actively for the realization of movements tending to consolidate peace. She is therefore happy to pay her tribute to the idea inspiring the draft treaty.

The text prepared by the Government of Washington commands the full approbation of the Royal Government. This Government notes with satisfaction the explanations and interpretations contained in your excellency's letter. It is pleased to note that the proposed pact will maintain unimpaired the rights and obligations arising from the Covenant of the League of Nations and from the Locarno agreements which constitute for Belgium fundamental guaranties of security.

The Belgian Government highly appreciates the action of the American Government which permits it to join in the great work destined to develop the spirit of peace throughout the world and to diminish in future the risk of new catastrophes.

The Royal Government would be grateful if the Government of the

United States would inform it as to the date and place which it may choose for the signing of the treaty.

I avail [etc.]

HYMANS.

*The British Secretary of State for Foreign Affairs (Chamberlain) to the American Chargé (Atherton)*

LONDON, July 18, 1928.

SIR: I am happy to be able to inform you that after carefully studying the note which you left with me on the 23d June, transmitting the revised text of the draft of the proposed treaty for the renunciation of war, His Majesty's Government in Great Britain accept the proposed treaty in the form transmitted by you and will be glad to sign it at such time and place as may be indicated for the purpose by the Government of the United States.

My Government have read with interest the explanations contained in your note as to the meaning of the draft treaty, and also the comments which it contains upon the considerations advanced by other powers in the previous diplomatic correspondence.

You will remember that in my previous communication of the 19th May I explained how important it was to my Government that the principle should be recognised that if one of the parties to this proposed treaty resorted to war in violation of its terms, the other parties should be released automatically from their obligations towards that party under the treaty. I also pointed out that respect for the obligations arising out of the Covenant of the League of Nations and of the Locarno treaties was the foundation of the policy of the government of this country, and that they could not agree to any new treaty which would weaken or undermine these engagements.

The stipulation now inserted in the preamble under which any signatory power hereafter seeking to promote its national interests by resort to war against another signatory is to be denied the benefits furnished by the treaty is satisfactory to my Government, and is sufficient to meet the first point mentioned in the preceding paragraph.

His Majesty's Government in Great Britain do not consider, after mature reflection, that the fulfilment of the obligations which they have undertaken in the Covenant of the League of Nations and in the treaty of Locarno is precluded by their acceptance of the proposed treaty. They concur in the view enunciated by the German Government in their note of the 27th April that those obligations do not contain anything which could conflict with the treaty proposed by the United States Government.

My Government have noted with peculiar satisfaction that all the parties to the Locarno treaty are now invited to become original signatories of the new treaty, and that it is clearly the wish of the United States Government that all members of the League should become parties either by signature or accession. In order that as many states as possible may participate in the

new movement, I trust that a general invitation will be extended to them to do so.

As regards the passage in my note of the 19th May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety,<sup>1</sup> I need only repeat that His Majesty's Government in Great Britain accept the new treaty upon the understanding that it does not prejudice their freedom of action in this respect.

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th April<sup>2</sup> that the proposed treaty does not restrict or impair in any way the right of self-defence, as also with his opinion that each state alone is competent to decide when circumstances necessitate recourse to war for that purpose.

In the light of the foregoing explanations, His Majesty's Government in Great Britain are glad to join with the United States and with all other governments similarly disposed in signing a definitive treaty for the renunciation of war in the form transmitted in your note of the 23d June. They rejoice to be associated with the Government of the United States of America and the other parties to the proposed treaty in a further and signal advance in the outlawry of war.

I have [etc.]

AUSTEN CHAMBERLAIN.

*The British Secretary of State for Foreign Affairs (Chamberlain), on behalf of the Commonwealth of Australia, to the American Chargé (Atherton)*

LONDON, July 18, 1928.

SIR: In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in the Commonwealth of Australia were willing to join with the United States and other similarly disposed governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

<sup>1</sup> Paragraph 10 of note of the British Secretary of State for Foreign Affairs to the American Ambassador, May 19, 1928:

"10. The language of Article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of self-defence. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government."

<sup>2</sup> See Supplement to this JOURNAL, July, 1928 (Vol. 22) p. 109.



2. I now beg leave to inform you that His Majesty's Government in the Commonwealth of Australia have given the most careful consideration to your note above mentioned and to the revised draft treaty which accompanied it, and that they accept the assurance given by the United States Secretary of State that the right of self-defence of a signatory state will not be impaired in any way by acceptance of the proposed treaty.

3. The Commonwealth Government have further observed that it is stated in your note of June 23 that the preamble to the revised treaty accords expressed recognition to the principle that if one signatory state resorts to war in violation of the treaty, the other signatory states will be released from their obligations under the treaty to that state. They accept this declaration that the preamble in this respect is to be taken as a part of the substantive provisions of the treaty itself.

4. They have also particularly examined the draft treaty from the point of view of its relationship to the Covenant of the League of Nations, and in this connexion have come to the conclusion that it is not inconsistent with the latter instrument.

5. His Majesty's Government in the Commonwealth of Australia add that the foregoing are the only questions to which the proposed treaty gives rise in which they are especially interested. As the text of the treaty which has now been submitted is completely satisfactory to them so far as these specific points are concerned, they will be quite agreeable to signing it in its present form.

I have [etc.]

AUSTEN CHAMBERLAIN.

*The British Secretary of State for Foreign Affairs (Chamberlain), on behalf of the Government of India, to the American Chargé (Atherton)*

LONDON, July 18, 1928.

SIR: In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be glad to be informed whether the Government of India were willing to join with the United States and other similarly disposed governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that the Government of India associate themselves whole-heartedly and most gladly with the terms of the note which I have had the honour to address to you today notifying you of the willingness of His Majesty's Government in Great Britain to sign a multi-lateral treaty for the renunciation of war as proposed by the Government of the United States.

I have [etc.]

AUSTEN CHAMBERLAIN.

*The British Secretary of State for Foreign Affairs (Chamberlain), on behalf of the Government of New Zealand, to the American Chargé (Atherton)*

LONDON, July 18, 1928.

SIR: In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in New Zealand were willing to join with the United States and other similarly disposed governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that His Majesty's Government in New Zealand desire to associate themselves with the terms of the note which I have had the honour to address to you today notifying you of the willingness of His Majesty's Government in Great Britain to sign a multilateral treaty for the renunciation of war as proposed by the Government of the United States. His Majesty's Government in New Zealand desire me to add that they will have the utmost satisfaction, in coöperation with His Majesty's governments in other parts of the British Empire, in joining with the Government of the United States and with all other governments similarly disposed in signing a treaty in the form proposed.

I have [etc.]

AUSTEN CHAMBERLAIN.

*The British Secretary of State for Foreign Affairs (Chamberlain), on behalf of the Union of South Africa, to the American Chargé (Atherton)*

LONDON, July 18, 1928.

SIR: In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in the Union of South Africa were willing to join with the United States and other similarly disposed governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that the following message has been received by telegraph from General Hertzog, Minister of External Affairs of the Union of South Africa, for communication to you:

On behalf of His Majesty's Government in the Union of South Africa I have the honour to inform you that my Government have given their most serious consideration to the new draft treaty for the renunciation of war, submitted in your note of 23d June, and to the observations accompanying it.

My Government note with great satisfaction (a) that it is common cause that the right of legitimate self-defence is not affected by the terms of the new draft; (b) that, according to the preamble, any signatory who shall seek to promote its national interests by resort to war shall forfeit the benefits of the treaty; and (c) that the treaty is open to accession by all powers of the world.

My Government have further examined the question whether the provisions of the present draft are inconsistent with the terms of the Covenant of the League of Nations by which they are bound, and have come to the conclusion that this is not the case, and that the objects which the League of Nations was constituted to serve can but be promoted by members of the League of Nations participating in the proposed treaty.

His Majesty's Government in the Union of South Africa have therefore very great pleasure in expressing their willingness to sign, together with all other powers which might be similarly inclined, the treaty in the form proposed in your note under reference.

I have [etc.]

AUSTEN CHAMBERLAIN.

*The Czechoslovak Minister of Foreign Affairs (Beneš) to the American Minister (Einstein)*

[Translation]

PRAGUE, July 20, 1928.

MR. MINISTER: I have had the honor of receiving your excellency's letter of June 23 by which the Government of the United States invites the Government of the Czechoslovak Republic to sign the proposed treaty for the renunciation of war. The same invitation was transmitted to our representative in Washington. The letter contains in addition to the integral text of the proposed treaty a commentary on the text which explains the remarks of the French Government and indicates in detail the meaning and the significance which the Government of the United States attaches to the multilateral treaty in the event of the treaty's signature, ratification and enactment.

I have the honor to transmit to your excellency by this note the reply of the Czechoslovak Government.

1. First I would very respectfully thank the Government of the United States for having addressed its invitation to us. From the beginning we have followed the negotiations between the French and American Governments on the subject of the pact for the renunciation of war with the greatest sympathy and attention, and were ready at any moment to associate ourselves with this noble undertaking, which marks a memorable date in the history of the world after the war. In our negotiations which I have had the honor, during the last few months, to carry on with the representatives of the United States, France and Great Britain, I have several times emphasized the importance of this act and the political necessity of associating thereto the other powers also and especially those who have assumed obligations by their negotiations at Locarno in 1925. The Government of the United States, agreeing fully in this with the other powers, has been good enough to recognize the justice of this point of view and addressed to us its invitation. The Czechoslovak Government attributes thereto a considerable political importance and warmly thanks the Washington Government.



2. In accordance with the negotiations prior to the signing of the treaty, as well as by the changes made in the preamble from the original text, and from the explanations contained in your excellency's letter of June 23, 1928, it is clear that there is nothing in this treaty in opposition either to the provisions of the Covenant of the League of Nations, or to those of the Locarno treaties or the neutrality treaties, or, in general, to the obligations contained in existing treaties which the Czechoslovak Republic has hitherto made.

3. From the explanations given in your excellency's letter it is further brought out that any violation of the multilateral treaty by one of the contracting parties would free entirely the other signatory powers from their obligations towards the power which might have violated the stipulations of this treaty; it is furthermore apparent that the right of self-defense is in no way weakened or restricted by the obligations of the new treaty and that each power is entirely free to defend itself according to its will and its necessities against attack and foreign invasion.

4. As thus defined both in the text of the preamble and in the statements of your excellency's letter, the goal of the new treaty, according to the opinion of the Czechoslovak Republic, is to consolidate and maintain peaceful relations and peaceful and friendly collaboration under the contractual terms in which these have today been established between the interested nations. By their signature, the contracting parties will renounce war as an instrument of their national policy aimed to satisfy their selfish interests. This would be an immense benefit for humanity; and the Government of the Czechoslovak Republic rejoices to see that the American Government is ready to offer participation in this treaty on the one hand to the powers who are parties to the neutrality treaties and on the other to all other powers in order to invest it with as universal a character as possible.

5. The Government of the Czechoslovak Republic having noted everything contained in your excellency's note expresses its point of view on this subject as shown in the foregoing, thus confirming the explanations of your note of June 23, 1928. It is very happy to be able to reply in the affirmative to the invitation of the Washington Government and thanking it again and most particularly for its generous efforts toward consolidating and maintaining world peace declares that it is now ready to sign the text of the multilateral treaty in accordance with the proposition of his excellency Mr. Kellogg as set forth in your excellency's letter of June 23, 1928.

I venture to add that the Government of the Czechoslovak Republic gladly associates itself with all those who have rendered warm homage to the noble manifestation for world peace made by the Government of the United States and that the foreign policy of our country sees therein the realization of the ends which it has pursued for ten years.

Pray accept [etc.]

EDUARD BENEŠ.

*The Japanese Minister for Foreign Affairs (Tanaka) to the American Chargé  
(Neville)*

[Translation]

TOKYO, July 20, 1928.

MR. CHARGÉ: I have the honor to acknowledge the receipt of your note of the 23d ultimo in which you recall to my attention your Government's identic note of the 13th of April of this year, enclosing, together with certain correspondence, the preliminary draft of a treaty, and inquiring whether this Government were in a position to give favorable consideration to the latter. Your note under reply further recalls that on the 20th of April the Government of the French Republic circulated among the interested governments an alternative draft treaty, and that on the 28th of April the Secretary of State of the United States of America explained fully the construction placed by that Government on their own draft, in view of the matter emphasized in the French alternative.

You now further inform me that the British, German, and Italian Governments have replied to your Government's notes of the 13th April last, and that the Governments of the British self-governing dominions and of India have likewise replied to invitations addressed to them on the suggestion of His Britannic Majesty's Government in Great Britain; and you observe that none of these Governments has expressed any dissent from the construction above referred to, or any disapproval of the principle underlying the proposals, nor have they suggested any specific modifications of the text of the draft; and you proceed to reënforce in detail the explanations made by the Secretary of State in his speech of the 28th April.

You then transmit for the consideration of this Government the revised draft of a multilateral treaty, which takes in the British self-governing dominions, India, and all parties to the Locarno treaties, as original parties, and in the preamble of which is included a statement which is directed to recognizing the principle that if a state goes to war in violation of the treaty, the other contracting powers are released from their obligations under the treaty to that state.

Such a multilateral treaty as so revised, you are instructed to state your government are ready to sign at once, and you express the fervent hope that this Government will be able promptly to indicate their readiness to accept it in this form without qualification or reservation. You conclude by expressing the desire of the Government of the United States to know whether my Government are prepared to join with the United States and other similarly disposed governments in signing a definitive treaty in the form so transmitted.

In reply, I have the honor to inform you that the Japanese Government are happy to be able to give their full concurrence to the alterations now proposed, their understanding of the original draft submitted to them in

April last being, as I intimated in my note to his excellency Mr. MacVeagh, dated the 26th of May 1928, substantially the same as that entertained by the Government of the United States. They are therefore ready to give instructions for the signature, on that footing, of the treaty in the form in which it is now proposed.

I can not conclude without congratulating your Government most warmly upon the rapid and general acceptance which their proposals have met with. The Imperial Government are proud to be among the first to be associated with a movement so plainly in unison with the hopes everywhere entertained, and confidently concur in the high probability of the acceptance of this simple and magnanimous treaty by the whole civilized world.

I beg [etc.]

BARON GIICHI TANAKA.

## CONVENTION BETWEEN GREAT BRITAIN AND MEXICO

FOR THE SETTLEMENT OF BRITISH PECUNIARY CLAIMS IN MEXICO ARISING  
FROM LOSS OR DAMAGE FROM REVOLUTIONARY ACTS BETWEEN  
NOVEMBER 20, 1910, AND MAY 31, 1920\*

*Signed at Mexico, November 19, 1926; ratifications exchanged at Mexico,  
March 8, 1928.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and the President of the United Mexican States, desiring to adjust definitively and amicably all pecuniary claims arising from losses or damages suffered by British subjects or persons under British protection, on account of revolutionary acts which occurred during the period comprised between the 20th of November 1910 and the 31st of May 1920 inclusive, have decided to enter into a convention for that purpose, and to this end have appointed as their plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India: Esmond Ovey, Esq., Companion of the Order of St. Michael and St. George, Member of the Royal Victorian Order, His Envoy Extraordinary and Minister Plenipotentiary in Mexico.

The President of the United Mexican States: Señor Licenciado Don Aarón Sáenz, Secretary of State for Foreign Relations.

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

### ARTICLE 1

All the claims specified in Article 3 of this convention shall be submitted to a commission composed of three members; one member shall be appointed by

\*British Treaty Series No. 11 (1928), *Cmd.* 3085.

His Britannic Majesty; another by the President of the United Mexican States; and the third, who shall preside over the commission, shall be designated by mutual agreement between the two governments. If the governments should not reach the aforesaid agreement within a period of four months counting from the date upon which the exchange of ratifications is effected, the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague shall designate the president of the commission. The request for this appointment shall be addressed by both governments to the President of the aforesaid Council, within a further period of one month, or after the lapse of that period, by the government which may first take action in the matter. In any case the third arbitrator shall be neither British nor Mexican, nor a national of a country which may have claims against Mexico similar to those which form the subject of this convention.

In the case of the death of any member of the commission, or in case a member should be prevented from performing his duties, or for any reason should abstain from performing them, he shall be immediately replaced according to the procedure set forth above.

#### ARTICLE 2

The commissioners thus designated shall meet in the City of Mexico within six months counting from the date of the exchange of ratifications of this convention. Each member of the commission, before entering upon his duties, shall make and subscribe a solemn declaration in which he shall undertake to examine with care, and to judge with impartiality, in accordance with the principles of justice and equity, all claims presented, since it is the desire of Mexico *ex gratia* fully to compensate the injured parties, and not that her responsibility should be established in conformity with the general principles of international law; and it is sufficient therefore that it be established that the alleged damage actually took place, and was due to any of the causes enumerated in Article 3 of this convention, for Mexico to feel moved *ex gratia* to afford such compensation.

The aforesaid declaration shall be entered upon the record of the proceedings of the commission.

The commission shall fix the date and place of their sessions.

#### ARTICLE 3

The commission shall deal with all claims against Mexico for losses or damages suffered by British subjects or persons under British protection, British partnerships, companies, associations or British juridical persons or those under British protection; or for losses or damages suffered by British subjects or persons under British protection, by reason of losses or damages suffered by any partnership, company or association in which British subjects or persons under British protection have or have had an interest ex-

ceeding fifty per cent. of the total capital of such partnership, company or association, and acquired prior to the time when the damages or losses were sustained. But in view of certain special conditions in which some British concerns are placed in such societies which do not possess that nationality it is agreed that it will not be necessary that the interest above mentioned shall pertain to one single individual, but it will suffice that it pertains jointly to various British subjects, provided that the British claimant or claimants shall present to the commission an allotment to the said claimant or claimants of the proportional part of such losses or damages pertaining to the claimant or claimants in such partnership, company or association. The losses or damages mentioned in this article must have been caused during the period included between the 20th of November, 1910, and the 31st May, 1920, inclusive, by one or any of the following forces:

1. By the forces of a government *de jure* or *de facto*;
2. By revolutionary forces, which, after the triumph of their cause, have established governments *de jure* or *de facto*, or by revolutionary forces opposed to them;
3. By forces arising from the disjunction of those mentioned in the next preceding paragraph up to the time when a *de jure* government had been established, after a particular revolution;
4. By forces arising from the disbandment of the Federal Army;
5. By mutinies or risings or by insurrectionary forces other than those referred to under subdivisions 2, 3 and 4 of this article, or by brigands, provided that in each case it be established that the competent authorities omitted to take reasonable measures to suppress the insurrections, risings, riots or acts of brigandage in question, or to punish those responsible for the same; or that it be established in like manner that the authorities were blamable in any other way.

The commission shall also deal with claims for losses or damages caused by acts of civil authorities, provided such acts were due to revolutionary events and disturbed conditions within the period referred to in this article, and that the said acts were committed by any of the forces specified in subdivisions 1, 2 and 3 of this article.

#### ARTICLE 4

The commission shall determine their own methods of procedure, but shall not depart from the provisions of this present convention.

Each government may appoint an agent and council to present to the commission either orally or in writing the evidence and arguments they may deem it desirable to adduce either in support of the claims or against them.

The agent or council of either government may offer to the commission any documents, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under affir-



mation before the commission, in accordance with Mexican law and such rules of procedure as the commission shall adopt.

The decision of the majority of the members of the commission shall be the decision of the commission. If there should be no majority the decision of the president shall be final.

Either the English or Spanish languages shall be employed, both in the proceedings and in the judgments.

#### ARTICLE 5

The commission shall keep an accurate and up-to-date record of all the claims and the various cases which shall be submitted to them, as also the minutes of the debates, with the dates thereof.

For such purpose each government may appoint a secretary. These secretaries shall be attached to the commission and shall act as joint secretaries and shall be subject to the commission's instructions.

Each government may likewise appoint and employ such assistant secretaries as they may deem advisable. The commission may also appoint and employ the assistants they may consider necessary for carrying on their work.

#### ARTICLE 6

The Government of Mexico being desirous of reaching an equitable agreement in regard to the claims specified in Article 3 and of granting to the claimants just compensation for the losses or damages they may have sustained, it is agreed that the commission shall not set aside or reject any claim on the grounds that all legal remedies have not been exhausted prior to the presentation of such claim.

In order to determine the amount of compensation to be granted for damage to property, account shall be taken of the value declared by the interested parties for fiscal purposes, except in cases which in the opinion of the commission are really exceptional.

The amount of the compensation for personal injuries shall not exceed that of the most ample compensation granted by Great Britain in similar cases.

#### ARTICLE 7

All claims must be formally filed with the commission within a period of nine months counting from the date of the first meeting of the commission; but this period may be prolonged for a further six months in special and exceptional cases, and provided that it be proved to the satisfaction of the majority of the commission that justifiable causes existed for the delay.

The commission shall hear, examine and decide within a period of two years counting from the date of their first session, all claims which may be presented to them.

Four months after the date of the first meeting of the members of the commission and every four months thereafter, the commission shall submit to each of the interested governments a report setting forth in detail the work

which has been accomplished, and comprising a statement of the claims filed, claims heard and claims decided.

The commission shall deliver judgment on every claim presented to them within a period of six months from the termination of the hearing of such claim.

#### ARTICLE 8

The high contracting parties agree to consider the decision of the commission as final in respect of each matter on which they may deliver judgment, and to give full effect to such decisions. They likewise agree to consider the result of the labors of the commission as a full, perfect and final settlement of all claims against the Mexican Government arising from any of the causes set forth in Article 3 of this present convention. They further agree that from the moment at which the labors of the commission are concluded, all claims of that nature, whether they have been presented to the commission or not, are to be considered as having been absolutely and irrevocably settled for the future; provided that those which have been presented to the commission have been examined and decided by them.

#### ARTICLE 9

The form in which the Mexican Government shall pay the indemnities shall be determined by both governments after the work of the commission has been brought to a close. The payments shall be made in gold or in money of equivalent value and shall be made to the British Government by the Mexican Government.

#### ARTICLE 10

Each government shall pay the emoluments of their commissioner and those of his staff.

Each government shall pay half of the expenses of the commission, and of the emoluments of the third commissioner.

#### ARTICLE 11

This convention is drawn up in English and in Spanish.

#### ARTICLE 12

The high contracting parties shall ratify this present convention in conformity with their respective constitutions. The exchange of ratifications shall take place in the City of Mexico as soon as possible and the convention shall come into force from the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done in duplicate, in the City of Mexico, on the nineteenth day of November, 1926.

(L. S.) ESMOND OVEY.

(L. S.) AARÓN SÁENZ.

INTERNATIONAL AGREEMENT REGARDING FALSE  
INDICATIONS OF ORIGIN ON GOODS\*

AGREEMENT OF MADRID OF APRIL 14, 1891, FOR THE PREVENTION OF  
FALSE INDICATIONS OF ORIGIN ON GOODS, REVISED AT WASHINGTON  
ON JUNE 2, 1911, AND AT THE HAGUE ON  
NOVEMBER 6, 1925.

*Ratifications of Switzerland, Germany, Great Britain and Spain  
deposited May 1, 1928*

[Translation]

The undersigned, duly authorized by their respective governments, have drawn up, in common accord, the following text, which shall be substituted for the Agreement of Madrid of the 14th April, 1891, revised at Washington on the 2nd June, 1911, that is to say:

ARTICLE 1

All goods bearing a false indication of origin, in which one of the contracting countries, or a place situated therein, shall be directly or indirectly indicated as being the country or place of origin, shall be seized on importation into any of the said countries.

The seizure shall take place either in the country where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.

If the law of any country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation.

If the law of any country does not permit seizure in the interior, such seizure shall be replaced by the remedies assured in such case by the law of such country to its nationals.

In the absence of any special penalties ensuring the repression of false indications of origin, the penalties provided by the corresponding stipulations of the laws relating to marks or trade names shall be applicable.

ARTICLE 2

The seizure shall be made by the customs authorities, who shall immediately inform the person interested (whether an individual or a body of persons corporate or unincorporate) in order that such person may, if he so desires, take appropriate steps to confirm the seizure made as a protective measure. Nevertheless, the public prosecutor or any other competent authority may demand the seizure either at the request of the party injured or in their official capacity; the procedure shall then follow its ordinary course.

The authorities are not bound to effect the seizure of goods in transit.

\* British Treaty Series No. 15 (1928), *Cmd.* 3166.



## ARTICLE 3

The present situations shall not prevent the vendor from indicating his name or address upon goods coming from a country other than that in which the sale takes place; but in such case the address or the name must be accompanied by a clear indication in legible characters of the country or place of manufacture or production, or by some other indication sufficient to avoid any error as to the true origin of the goods.

## ARTICLE 4

The tribunals of each country will decide what appellations, on account of their generic character, do not fall within the provisions of the present agreement, regional appellations concerning the origin of products of the vine being, however, not comprised in the reserve specified by this article.

## ARTICLE 5

Countries belonging to the Union for the Protection of Industrial Property, which have not acceded to the present agreement, shall be allowed to accede on their demand in the manner prescribed by Article 16 of the general convention.\*

The provisions of Article 16 *bis* of the Convention of the Union \* are applicable to the present agreement.

## ARTICLE 6

The present Act shall be ratified and the ratifications deposited at The Hague not later than the 1st May, 1928.

It shall come into force, between the countries which shall have ratified it, one month after that date, and shall have the same force and duration as the general convention. Nevertheless, if before that date it has been ratified by at least six countries, it shall come into force, between those countries, one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation, and in the case of countries which may ratify at a later date, one month after the notification of each of such ratifications.

This Act shall as regards the relations between the countries which ratify it, replace the agreement concluded at Madrid on the 14th April, 1891, and revised at Washington on the 2nd June, 1911, which shall, however, remain in force as regards relations with the countries which shall not have ratified the present Act.

\* See Treaty Series No. 16 (1928), *Cmd.* 3167, *infra*, p. 21.

In witness whereof the respective plenipotentiaries have signed the present agreement.

Done at The Hague in a single copy, the 6th November, 1925.

For Germany:

VIETINGHOFF.

V. SPECHT.

KLAUER.

ALBERT OSTERRIETH.

For the United States of Brazil:

J. A. BARBOZA CARNEIRO.

CARLOS AMERICO BARBOSA DE OLIVEIRA.

For Cuba:

R. DE LA TORRE.

For the Free City of Dantzig:

ST. KOŹMIŃSKI.

For Spain:

SANTIAGO MENDEZ DE VIGO.

FERNANDO CABELLO LAPIEDRA.

JOSÉ GARCIA MONGE.

For France:

CH. DE MARCILLY.

MARCEL PLAISANT.

CH. DROUETS.

GEORGES MAILLARD.

For Great Britain and Northern Ireland:

H. LLEWELLYN SMITH.

A. J. MARTIN.

A. BALFOUR.

For Morocco:

CH. DE MARCILLY.

For Portugal:

BANDEIRA.

For Switzerland:

A. DE PURY.

W. KRAFT.

For Syria and Grand Lebanon:

CH. DE MARCILLY.

For Czechoslovakia:

BARÁČEK.

Prof. Dr. KAREL HERMANN-OTAVSKÝ.

Ing. BOHUSLAV PAVLOUSEK.

For Tunis:

CH. DE MARCILLY.

*Procès-verbal recording the Deposit of Ratifications of the Agreement of Madrid of April 14, 1891, for the Prevention of False Indications of Origin on Goods, revised at Washington on June 2, 1911, and at The Hague on November 6, 1925*

[Translation]

In pursuance of Article 6 of the Agreement of Madrid of the 14th April, 1891, for the prevention of false indications of origin on goods, revised at Washington on the 2nd June, 1911, and at The Hague on the 6th November, 1925, and signed by the plenipotentiaries of Germany, Brazil, Cuba, the Free City of Dantzic, Spain, France, Great Britain and Northern Ireland, Morocco, Portugal, Switzerland, Syria and Grand Lebanon, Czechoslovakia and Tunis, the undersigned have met at the Ministry for Foreign Affairs at The Hague in order to proceed to the deposit of the acts of ratification of the said Agreement.

These acts have been entrusted to the Netherlands Government to be deposited, with the present *procès-verbal*, in its archives.

In witness whereof the undersigned have signed the present *procès-verbal*.

Done at The Hague this first day of May, 1928, in a single copy, of which a certified copy shall be communicated to each of the parties.

For Switzerland:

A. DE PURY.

For Germany:

Graf. J. VON ZECH BURKERSRODA.

For Great Britain and Northern Ireland:

GRANVILLE.

For Spain:

Le Comte DE PRADÉRE.

#### INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY\*

UNION CONVENTION OF PARIS, MARCH 20, 1883, FOR THE PROTECTION OF  
INDUSTRIAL PROPERTY, REVISED AT BRUSSELS ON DECEMBER 14,  
1900, AT WASHINGTON ON JUNE 2, 1911, AND AT THE HAGUE  
ON NOVEMBER 6, 1925

*Ratifications of Italy, Germany, Great Britain, Austria, Canada, Spain, and  
the Netherlands deposited, May 1, 1928*

[Translation.]

The President of the German Reich; the President of the Austrian Republic; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His

\* British Treaty Series No. 16 (1928), *Cmd.* 3167.

Majesty the King of Spain; the President of the Estonian Republic; the President of the United States of America; the President of the Republic of Finland; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of British dominions beyond the Seas, Emperor of India; His Serene Highness the Governor of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Majesty the Sultan of Morocco; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic, in the name of Poland and of the Free City of Dantzig; the President of the Portuguese Republic; His Majesty the King of the Serbs, Croats and Slovenes; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the States of Syria and Grand Lebanon; the President of the Czechoslovak Republic; His Highness the Bey of Tunis; the President of the Turkish Republic,

Having deemed it expedient to make certain modifications in, and additions to, the International Convention of the 20th March, 1883, for the creation of an International Union for the Protection of Industrial Property, revised at Brussels on the 14th December, 1900, and at Washington on the 2nd June, 1911, have named as their plenipotentiaries, that is to say:

The President of the German Reich:

M. W. F. von Vietinghoff, Councillor of the German Legation at the Hague;

M. von Specht, Geheimer Oberregierungsrat, President of the Patent Office;

M. Klauer, Ministerial Councillor at the Ministry of Justice;

Prof. Dr. Albert Osterrieth, Justizrat;

The President of the Austrian Republic:

Dr. Carl Duschaneck, Ministerial Councillor, Vice-President of the Austrian Patent Office;

Dr. Hans Fortwängler, Ministerial Councillor at that Office;

His Majesty the King of the Belgians:

M. Octave Mavaut, Director-General of Industry at the Ministry of Industry, Labor and Social Service;

M. Albert Capitaine, Advocate at the Liège Court of Appeal, former Bâtonnier, Belgian Delegate at the Washington Conference;

M. Louis André, Advocate at the Brussels Court of Appeal;

M. Thomas Braun, Advocate at the Brussels Court of Appeal;

M. Daniel Coppieters, Advocate at the Brussels Court of Appeal;

President of the United States of Brazil:

Dr. Julio Augusto Barboza Carneiro, Member of the Economic Commission of the League of Nations;

Prof. Dr. Carlos Americo Barbosa de Oliveira, Professor at the Polytechnic School, Director of the Wenceslau Braz Normal School of Arts and Crafts;

The President of the Cuban Republic:

Dr. Raphaël Martinez Ortiz, Envoy Extraordinary and Minister Plenipotentiary of Cuba at Paris;

Dr. Raphaël de la Torre, Cuban Chargé d'Affaires at The Hague;  
His Majesty the King of Denmark:

Dr. N. J. Ehrenreich Hansen, Under-Secretary at the Ministry of Industry, Commerce and Navigation;

The President of the Dominican Republic:

M. C. G. de Haseth Cz., Consul of the Dominican Republic at The Hague;

His Majesty the King of Spain:

H. E. M. Santiago Mendez de Vigo, Envoy Extraordinary and Minister Plenipotentiary of His Majesty at The Hague;

M. Fernando Cabello y Lapiedra, Head of the Spanish Bureau of Industrial and Commercial Property;

M. José Garcia-Monge y de Vera, Secretary of the Spanish Bureau of Industrial and Commercial Property;

The President of the Estonian Republic:

M. O. Aarmann, Engineer, Director of the Patent Office;

The President of the United States of America:

Mr. Thomas E. Robertson, Commissioner of Patents, Member of the Bar of the Supreme Court of U. S. A.;

Mr. Wallace R. Lane, former President of the American and Chicago Patent Law Associations, Member of the Bar of the Supreme Court of U. S. A. and the Supreme Court of Illinois;

Mr. Jo. Baily Brown, Pittsburgh, Member of the Bar of the Supreme Court of U. S. A. and the Supreme Court of Pennsylvania;

The President of the Republic of Finland:

M. Yrjö Saastamoinen Chargé d'Affaires of Finland at The Hague;

The President of the French Republic:

H. E. M. Chassain de Marcilly, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague;

M. Marcel Plaisant, Deputy, Advocate at the Paris Court of Appeal;

M. Charles Drouets, Director of Industrial Property at the Ministry of Commerce;

M. Georges Maillard, Advocate at the Paris Court of Appeal, Vice-President of the Technical Committee on Industrial Property;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of British dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

Sir Hubert Llewellyn Smith, G.C.B., Chief Economic Adviser to His Britannic Majesty's Government;

Mr. Alfred James Martin, O.B.E., Assistant Comptroller of the Patent Office and Industrial Property Department of the Board of Trade;

Sir Arthur Balfour, K.B.E., one of His Majesty's Justices of the Peace,  
Chairman of the Committee on Trade and Industry;

For the Dominion of Canada:

Mr. Frederick Herbert Palmer, M.C., Canadian Government Trade  
Commissioner;

For the Commonwealth of Australia:

Lieutenant-Colonel Charles Vincent Watson, D.S.O., V.D., Commis-  
sioner of Patents and Registrar of Trade Marks and Designs;

For the Irish Free State:

Comte Gerald O'Kelly de Gallagh, Representative of the Irish Free  
State;

His Serene Highness the Governor of Hungary:

M. Elemér de Pompéry, President of the Court of Patents;

His Majesty the King of Italy:

M. Dominico Barone, Councillor of State;

M. Gustavo de Sanctis, Director of the Industrial Property Bureau;

M. Letterio Labocchetta, Engineer;

M. Gino Olivetti, Deputy, Secretary-General of the Confederation of  
Italian Industry;

Prof. Mario Ghiron, Professor of Industrial Law at Rome University;

His Majesty the Emperor of Japan:

Mr. Saichiro Sakikawa, President of the Patent Office;

Mr. Nobumi Ito;

His Majesty the Sultan of Morocco:

H. E. M. Chassain de Marcilly, Envoy Extraordinary and Minister  
Plenipotentiary of France at The Hague;

The President of the United States of Mexico:

M. Julio Poulat, Commercial Attaché to the Mexican Legation at Paris;

His Majesty the King of Norway:

M. Birger Gabriel Wyller, Director-General of the Norwegian Bureau  
of Industrial Property;

Her Majesty the Queen of the Netherlands:

Dr. J. Alingh Prins, President of the Council for Patents, Director of  
the Industrial Property Office;

Dr. H. Bijleveld, ex-Minister, Member of the Chamber of Deputies,  
ex-President of the Council for Patents, ex-Director of the Industrial  
Property Office;

Dr. J. W. Dijkmeester, Member of the Council for Patents;

The President of the Polish Republic:

For Poland:

H. E. Dr. Stanislas Koźmiński, Envoy Extraordinary and Minister  
Plenipotentiary of Poland at the Hague;

Dr. Frédéric Zoll, Professor at Cracow University;

For the Free City of Dantzic:



H. E. Dr. Stanislas Koźmiński, Envoy Extraordinary and Minister Plenipotentiary of Poland at The Hague;

The President of the Portuguese Republic:

H. E. M. A. C. de Sousa Santos Bandeira, Envoy Extraordinary and Minister Plenipotentiary of Portugal at The Hague;

His Majesty the King of the Serbs, Croats and Slovenes:

Dr. Yanko Choumane, President of the Office for the Protection of Industrial Property at the Ministry for Commerce and Industry;

M. Mihailo Preditch, Secretary of that Office;

His Majesty the King of Sweden:

Directeur-Général E. O. J. Björklund, Head of the Administration of Patents and Registration;

M. K. H. R. Hjertén, Councillor at the Court of Appeal of Göta;

M. A. E. Hasselrot, ex-Director of Bureau at the above Administration, Adviser in matters of industrial property;

The Federal Council of the Swiss Confederation:

H. E. M. Arthur de Pury, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at The Hague;

M. Walther Kraft, Director of the Federal Bureau of Intellectual Property;

The President of the French Republic:

For the States of Syria and Grand Lebanon:

H. E. M. Chassain de Marcilly, Envoy Extraordinary and Minister Plenipotentiary of France at the Hague;

The President of the Czechoslovak Republic:

H. E. M. P. Baráček, Engineer, Envoy Extraordinary and Minister Plenipotentiary of Czechoslovakia at The Hague;

Dr. Karel Hermann-Otavsky, Professor at Prague University;

M. Bohuslav Pavlousek, Engineer, Vice-President of the Patent Office at Prague;

His Highness the Bey of Tunis:

H. E. M. Chassain de Marcilly, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague;

The President of the Turkish Republic:

Mehmed Essad Bey, Chargé d'Affaires of Turkey at The Hague;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1

The contracting countries constitute themselves into a Union for the protection of industrial property.

The protection of industrial property is concerned with patents, utility models, industrial designs and models, trade marks, trade names and indica-

tions of source or appellations of origin, and the repression of unfair competition.

Industrial property is to be understood in the broadest sense and applies not only to industry and commerce properly so called, but likewise to agricultural industries (wines, corn, tobacco leaves, fruit, cattle, etc.) and extractive industries (minerals, mineral waters, etc.).

Under the term "patents" are included the various kinds of industrial patents recognized by the laws of the contracting countries, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

#### ARTICLE 2

Persons within the jurisdiction of each of the contracting countries shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to their nationals, without prejudice to the rights especially provided by the present convention. Consequently they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed on nationals.

Nevertheless, no condition as to the possession of a domicile or establishment in the country where protection is claimed may be required of persons entitled to the benefits of the Union for the enjoyment of any industrial property rights.

The provisions of the laws of each of the contracting countries relative to judicial and administrative procedure and competence, and to the choice of domicile or the authorization of an agent which may be required by the laws of industrial property, are expressly reserved.

#### ARTICLE 3

Persons within the jurisdiction of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union, are assimilated to persons within the jurisdiction of the contracting countries.

#### ARTICLE 4

(a) Any person who has duly deposited an application for a patent, or for the registration of a utility model, industrial design or model or trade mark in one of the contracting countries, or his legal representative or assignee, shall enjoy, for the purposes of deposit in the other countries, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

(b) Consequently, a subsequent deposit in any of the other countries of the Union before the expiration of these periods shall not be invalidated



through any acts accomplished in the interval, either, for instance, by another deposit, by publication or exploitation of the invention, by the putting on sale of copies of the design or model, or by use of the mark.

(c) The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs and models and trade marks.

These periods start from the date of deposit of the first application in a country of the Union; the day of deposit is not included in the period.

If the last day of the period is a *dies non* in the country where protection is claimed, the period shall be extended until the first following working day.

(d) Any person desiring to take advantage of the priority of a previous deposit shall be bound to make a declaration giving particulars as to the date of such deposit and the country in which it was made. Each country will determine for itself the latest time at which such declaration must be made.

These particulars shall be mentioned in the publications issued by the competent authority, in particular on the patents and the specifications relating thereto.

The contracting countries may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously deposited. The copy, certified as correct by the authority by whom the application was received, shall not require any legal authentication, and may in any case be deposited at any time within three months from the deposit of the subsequent application. They may require it to be accompanied by a certificate from the proper authority showing the date of the deposit, and also by a translation.

No other formalities may be required for the declaration of priority at the time of depositing the application. Each of the contracting countries shall decide for itself what consequences shall follow the omission of the formalities prescribed by the present article, but such consequences shall in no case be more serious than the loss of the right of priority.

Subsequently, further proof in support of the declaration may be required.

(e) Where an application for the registration of an industrial design or model is deposited in a country in virtue of a right of priority based on a previous deposit of an application for registration of a utility model, the period of priority shall only be that fixed for industrial designs and models.

Further, it is permissible to deposit in a country an application for the registration of a utility model in virtue of a right of priority based on the deposit of a patent application and *vice versa*.

(f) If an application for a patent contains multiple priority claims, or if examination reveals that an application contains more than one invention, the competent authority shall at least authorize the applicant to divide the application, subject to such conditions as may be imposed by domestic legislation, and preserving as the date of each part of the application the date of the initial application and, if necessary, the benefit of the right of priority.

ARTICLE 4 *bis*

Patents applied for in the various contracting countries by persons entitled to the benefits of the Union shall be independent of the patents obtained for the same invention in the other countries, whether members of the Union or not.

This stipulation must be strictly interpreted, for example, it shall be understood to mean that patents applied for during the period of priority are independent, in respect of the grounds for refusal and for revocation, as well as in respect of their normal duration.

The stipulation applies to all patents existing at the time when it comes into effect.

Similarly it shall apply, in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

## ARTICLE 5

The importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail revocation of the patent.

Nevertheless each of the contracting countries shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent, for example, failure to work.

These measures shall not provide for the revocation of the patent unless the grant of compulsory licences is insufficient to prevent such abuses.

In no case can the patent be made liable to such measures before the expiration of at least three years from the date of grant of the patent and then only if the patentee is unable to justify himself by legitimate reasons.

The protection of industrial designs and models may not, under any circumstances, be liable to revocation by reason of the importation of articles corresponding to those which are protected.

No sign or mention of registration shall be required on the goods in order to maintain recognition of the rights given by such registration.

If, in any country, the utilization of a registered trade mark is compulsory, registration cannot be cancelled until after a reasonable period has elapsed, and then only if the person interested cannot justify the causes of his inaction.

ARTICLE 5 *bis*

An extension of time of not less than three months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, on condition (if the national legislation of a country so provides) of the payment of a supplementary fee.

In the case of patents, the contracting countries further undertake, either to increase the above-mentioned extension of time to not less than six months,

or to provide for the restoration of a patent which has expired by reason of the non-payment of fees, subject in each case to the conditions prescribed by the domestic legislation.

#### ARTICLE 5 *ter*

In each of the contracting countries the following shall not be considered as infringements of the rights of a patentee.

1. The use on board vessels of other countries of the Union of a patented invention in the body of the vessel, in the machinery, tackle, apparatus and other accessories, when such vessels penetrate temporarily or accidentally into the territorial waters of the country, provided that such invention is used exclusively for the actual needs of the vessel.
2. The use of a patented invention in the construction or working of aircraft or land vehicles of other countries of the Union, or of the accessories to such aircraft or vehicles, when such aircraft or vehicles penetrate temporarily or accidentally into the country.

#### ARTICLE 6

Every trade mark duly registered in the country of origin shall be admitted for deposit and protected in its original form in the other countries of the Union.

Nevertheless, registration of the following may be refused or cancelled:

1. Marks which are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.
2. Marks which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin of the goods or date of production, or which have become customary in the current language, or in the *bona fide* and recognized customs of the trade of the country where protection is claimed.

In arriving at a decision as to the distinctive character of a mark, all the circumstances of the case must be taken into account, including the length of time during which the mark has been in use.

3. Marks which are contrary to morality or public order.

It is understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some stipulation of the laws concerning marks, except where such stipulation itself relates to public order.

Shall be considered as the country of origin:

The country of the Union where the depositor has a real and effective industrial or commercial establishment; if he has not such an establishment, the country of the Union where he is domiciled, and if he is not domiciled in

the Union the country of his nationality if he is a person within the jurisdiction of one of the countries of the Union.

In no case shall the renewal of the registration of a mark in the country of origin involve the obligation to renew the registration of the mark in other countries of the Union where it has been registered.

The benefits of priority shall be accorded to applications for the registration of marks deposited within the period fixed by Article 4, notwithstanding the fact that registration in the country of origin may not be completed until after the expiration of such period.

The stipulations of paragraph 1 do not exclude the right of requiring from a depositor a certificate of due registration, issued by the competent authority of the country of origin, but no legal authentication of such certificate shall be required.

#### ARTICLE 6 *bis*

The contracting countries undertake to refuse or to cancel, either administratively if their legislation so permits, or at the request of an interested party, the registration of any trade mark which is a reproduction of or an imitation capable of creating confusion with a mark considered by the competent authority of the country of registration to be well-known in that country as being already the mark of a person within the jurisdiction of another contracting country, and utilized for the same or similar classes of goods.

A period of at least three years shall be allowed for claiming the removal of such marks. This period shall run from the date of registration of the mark.

There shall be no limit to the period within which application may be made for the removal of marks registered in bad faith.

#### ARTICLE 6 *ter*

The contracting countries agree to refuse or to cancel the registration, and to prohibit by appropriate measures the utilization, without authorization by the competent authorities, either as trade marks or as elements of trade marks, of armorial bearings, flags and other state emblems of the contracting countries, official signs and hall-marks indicating control or warranty adopted by them, and all imitations thereof from an heraldic point of view.

The prohibition of the utilization of official signs and hall-marks indicating control or warranty shall apply solely in cases where the marks which contain them are intended to be utilized for the same or similar classes of goods.

For the application of these stipulations the contracting countries agree to communicate mutually through the medium of the International Bureau of Berne, the list of state emblems and official signs and hall-marks indicating control or warranty which they desire, or may hereafter desire, to place wholly or within certain limits, under the protection of the present article,

and all subsequent modifications of this list. Each contracting country shall forthwith make the lists so communicated available to the public.

Any contracting country may, within a period of twelve months from the receipt of the communication, transmit any objections which it may desire to offer to the country concerned through the medium of the International Bureau.

In the case of state emblems which are well-known the measures prescribed by paragraph 1 shall apply solely to marks registered after the signature of the present convention.

As regards state emblems which are not well-known and official signs and hall-marks such stipulations shall be applicable only to marks registered more than two months after the receipt of the communication provided for in paragraph 3.

In cases of bad faith, however, each country shall be entitled to cause removal of marks, even though registered before the signature of the present convention if they contain state emblems, signs or hall-marks.

The nationals of each country who have been authorized to make use of state emblems, signs or hall-marks of their country, may continue to use them even though they are similar to those of another country.

The contracting countries undertake to prohibit the unauthorized use in trade of the state armorial bearings of the other contracting countries, when such use is of a nature to cause deception as to the origin of the goods.

The above stipulations shall not prevent the countries from exercising the power given in the third subsection of paragraph 2 of Article 6, to refuse or to cancel the registration of marks containing, without authorization, the armorial bearings, flags, decorations, and other state emblems or official signs or hall-marks adopted by a country of the Union.

#### ARTICLE 7

The nature of the goods to which the trade mark is to be applied can, in no case, form an obstacle to the registration of the mark.

#### ARTICLE 7 *bis*

The contracting countries undertake to admit to deposit and to protect marks belonging to associations, the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

Nevertheless, each country shall be the sole judge of the particular conditions under which an association may be allowed to obtain protection for its marks.

#### ARTICLE 8

A trade name shall be protected in all the countries of the Union without necessity of deposit or registration, whether or not it forms part of a trade mark.



## ARTICLE 9

All goods illegally bearing a trade mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country into which the goods bearing it may have been imported.

The seizure shall take place at the request either of the public prosecutor or of any other competent authority or of any interested party whether an individual or a body of persons corporate or unincorporate in conformity with the domestic law of each country.

The authorities shall not be bound to effect the seizure of goods in transit.

If the laws of a country do not admit of seizure on importation, such seizure shall be replaced by prohibition of importation or seizure within such country.

If the laws of any country do not admit either of seizure upon importation, or of prohibition of importation, or of seizure within the country, and pending the requisite modification of these laws, these measures shall be replaced by the remedies available in such cases to nationals.

## ARTICLE 10

The stipulations of the preceding article shall be applicable to all goods which falsely bear as an indication of origin the name of a specified locality or country, when such indication is joined to a trade name of a fictitious character or used with fraudulent intention.

Any producer, manufacturer or trader, whether an individual or a body of persons corporate or incorporate, engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely indicated as the place of origin, in the district where the locality is situated, or in the country falsely indicated shall in any case be deemed a party interested.

ARTICLE 10 *bis*

The contracting countries are bound to assure to persons entitled to the benefits of the Union an effective protection against unfair competition.

Every act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

The following acts among others shall be prohibited:

1. All manner of acts, of such a nature as to create confusion by any means whatsoever with the goods of a competitor;
2. False allegations, in the course of trade, of such a nature as to discredit the goods of a competitor.

ARTICLE 10 *ter*

The contracting countries undertake to assure to persons within the jurisdiction of other countries of the Union appropriate legal remedies to repress effectively all acts referred to in Articles 9, 10 and 10*bis*.

They undertake, further, to provide measures to permit syndicates and associations which represent industries or trades interested, and of which the existence is not contrary to the laws of their country, to take proceedings in the courts or before the administrative authorities with a view to securing repression of the acts referred to in Articles 9, 10 and 10*bis* so far as the law of the country in which protection is claimed permits such action to the syndicates and associations of that country.

## ARTICLE 11

The contracting countries shall, in conformity with their domestic legislation, grant temporary protection to patentable inventions, utility models, industrial designs or models, and trade marks, in respect of goods exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

This temporary protection shall not prolong the periods of priority provided by Article 4. If, at a later date, the right of priority is invoked, the administration of each country may date the period of priority as from the date of introduction of the goods into the exhibition.

Each country may require, as proof of the identity of the object exhibited, and of the date of its introduction into the exhibition such evidence as it may consider necessary.

## ARTICLE 12

Each of the contracting countries undertakes to establish a special government department for industrial property, and a central office for communication to the public of patents, utility models, industrial designs or models, and trade marks.

This department shall publish an official periodical journal.

## ARTICLE 13

The International Office, established at Berne under the name *Bureau international pour la Protection de la Propriété Industrielle* is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

The official language of the International Bureau is French.

The International Bureau centralizes information of every kind relating to the protection of industrial property and collates and publishes it. It studies matters of general utility which interest the Union, and edits, with the help of documents supplied to it by the various administrations, a periodical journal in French, dealing with questions concerning the object of the Union.

The numbers of this journal, as well as all the documents published by the International Bureau, are circulated among the administrations of the countries of the Union in the proportion of the number of contributing units as mentioned below. Such further copies as may be desired, either by the said administrations, or by societies or private persons, shall be paid for separately.

The International Bureau shall at all times hold itself at the service of countries of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. The Director of the International Bureau will furnish an annual report on its working, which shall be communicated to all the countries of the Union.

The expenses of the International Bureau shall be borne by the contracting countries in common. Until fresh sanction is given, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, in case of necessity, by a unanimous decision of one of the conferences referred to in Article 14.

To determine the quota which each country should contribute to this common total of expenses, the contracting countries and those which may afterwards join the Union are divided into six classes, each contributing in the proportion of a certain number of units, namely:

1st class	25 units	4th class	10 units
2nd "	20 "	5th "	5 "
3rd "	15 "	6th "	3 "

These co-efficients are multiplied by the number of countries in each class, and the sum of the products thus obtained gives the number of units by which the total expenses has to be divided. The quotient gives the amount of the unit of expense.

Each of the contracting countries will designate at the time of its accession the class in which it wishes to be placed.

The Government of the Swiss Confederation superintends the expenses of the International Bureau, advances the necessary funds and renders an annual account, which will be communicated to all the other administrations.

#### ARTICLE 14

The present convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, conferences shall be held, successively in one of the contracting countries, among the delegates of the said countries.

The administration of the country in which the conference is to be held will make preparations for the work of that conference, with the assistance of the International Bureau.



The Director of the International Bureau will be present at the meetings of the conferences, and will take part in the discussions, but without the right of voting.

#### ARTICLE 15

It is understood that the contracting countries respectively reserve to themselves the right to make separately, as between themselves, special agreements for the protection of industrial property, in so far as such agreements do not contravene the stipulations of the present convention.

#### ARTICLE 16

Countries which are not parties to the present convention shall be allowed to accede to it upon their request.

This accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the other countries.

It shall entail, as a matter of right, accession to all the clauses, and admission to all the advantages stipulated in the present convention, and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated by the acceding country.

#### ARTICLE 16 *bis*

The contracting countries have the right of acceding to the present convention at any time, on behalf of their colonies, possessions, dependencies and protectorates, or territories administered in virtue of mandate from the League of Nations, or of any of them.

For this purpose they may either make a general declaration, including all their colonies, possessions, dependencies and protectorates, and the territories referred to in paragraph 1, in the accession, or may expressly name those which are included, or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Government of the Swiss Confederation and by the latter to all the other countries.

Under the same conditions, the contracting countries may denounce the convention on behalf of their colonies, possessions, dependencies, and protectorates, or the territories referred to in paragraph 1, or of any of them.

#### ARTICLE 17

The carrying out of the reciprocal engagements contained in the present convention is subject, so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the contracting countries which are bound to procure their application which they engage to do with as little delay as possible.

ARTICLE 17 *bis*

The convention shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only affect the denouncing country, the convention, remaining in operation as regards the other contracting countries.

## ARTICLE 18

The present Act shall be ratified and the ratification deposited at The Hague not later than the 1st May, 1928. It shall come into force, between the countries which shall have ratified it, one month after that date. Nevertheless, if before that date it has been ratified by at least six countries, it shall come into force, between those countries, one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation and, in the case of countries which may ratify at a later date, one month after the notification of each of such ratifications.

This Act shall, as regards the relations between the countries which ratify it, replace the Convention of Paris of 1883, revised at Washington on the 2nd June, 1911, and the Final Protocol, which shall, however, remain in force as regards relations with the countries which shall not have ratified the present Act.

## ARTICLE 19

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of the Netherlands. A certified copy shall be forwarded by the latter to each of the governments of the contracting countries.

In witness whereof the respective plenipotentiaries have signed the present Act.

Done at The Hague, in a single copy, the 6th November, 1925.

For Germany:

VIETINGHOFF.

v. SPECHT.

KLAUER.

ALBERT OSTERRIETH.

For Australia:

C. V. WATSON.

For Austria:

Dr. CARL DUSCHANEK.

Dr. HANS FORTWÄNGLER.

For Belgium:

CAPITAINE.

LOUIS ANDRÉ.

- THOMAS BRAUN.  
D. COPPIETERS.  
For the United States of Brazil:  
J. A. BARBOZA CARNEIRO.  
CARLOS AMERICO BARBOSA DE  
OLIVEIRA.  
For Canada:  
FREDERICK H. PALMER.  
For Cuba:  
R. DE LA TORRE.  
For Denmark:  
N. J. EHRENREICH HANSEN.  
For the Free City of Dantzig:  
ST. KOŹMIŃSKI.  
For the Dominican Republic:  
C. G. DE HASETH CZ.  
For Spain:  
SANTIAGO MENDEZ DE VIGO.  
FERNANDO CABELLO LAPIEDRA.  
JOSÉ GARCIA MONGE.  
For Estonia:  
O. AARMANN.  
For the United States of America:  
THOMAS E. ROBERTSON.  
WALLACE R. LANE.  
JO. BAILY BROWN.  
For Finland:  
YRJÖ SAASTAMOINEN.  
For France:  
CH. DE MARCILLY.  
MARCEL PLAISANT.  
CH. DROUETS.  
GEORGES MAILLARD.  
For Great Britain and Northern Ireland:  
H. LLEWELLYN SMITH.  
A. J. MARTIN.  
A. BALFOUR.  
For Hungary:  
ELEMÉR DE POMPÉRY.  
For the Irish Free State:  
G. O'KELLY DE GALLAGH.  
For Italy:  
DOMENICO BARONE.

LETTERIO LABOCCETTA.

MARIO GHIRON.

For Japan:

S. SAKIKAWA.

N. ITO.

For Morocco:

CH. DE MARCILLY.

For the United States of Mexico:

JULIO POULAT.

For Norway:

B. WYLLER.

For the Netherlands:

J. ALINGH PRINS.

BIJLEVELD.

DIJCKMEESTER.

For Poland:

ST. KOŹMIŃSKI.

FRÉDÉRIC ZOLL.

For Portugal:

BANDEIRA.

For the Kingdom of the Serbs, Croats and  
Slovenes:

DR. YANKO CHOUMANE.

MIHAILO PRÉDITCH.

For Sweden:

E. O. J. BJÖRKLUND.

H. HJERTEN.

AXEL HASSELROT.

For Switzerland:

A. DE PURY.

W. KRAFT.

For Syria and Grand Lebanon:

CH. DE MARCILLY.

For Czechoslovakia:

BARÁČEK.

Prof. Dr. KAREL HERMANN-OTAVSKÝ.

Ing. BOHUSLAV PAVLOUSEK.

For Tunis:

CH. DE MARCILLY.

For Turkey:

*Procès-verbal recording the Deposit of Ratifications of the Union Convention of Paris of March 20, 1883, for the Protection of Industrial Property, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, and at The Hague on November 6, 1925.*

[Translation.]

In pursuance of Article 18 of the Union Convention of Paris of the 20th March, 1883, for the protection of industrial property, revised at Brussels on the 14th December, 1900, at Washington on the 2nd June, 1911, and at The Hague on the 6th November, 1925, and signed by the plenipotentiaries of Germany, Australia, Austria, Belgium, Brazil, Canada, Cuba, Denmark, the Free City of Dantzic, the Dominican Republic, Spain, Estonia, the United States of America, Finland, France, Great Britain and Northern Ireland, Hungary, the Irish Free State, Italy, Japan, Morocco, Mexico, Norway, the Netherlands, Poland, Portugal, the Kingdom of the Serbs, Croats and Slovenes, Sweden, Switzerland, Syria and Grand Lebanon, Czechoslovakia and Tunis, the undersigned have met at the Ministry for Foreign Affairs at The Hague in order to proceed to the deposit of the acts of ratification of the said convention.

These acts have been entrusted to the Netherlands Government to be deposited, with the present *procès-verbal*, in its archives.

In witness whereof the undersigned have signed the present *procès-verbal*.

Done at The Hague, this first day of May, 1928, in a single copy, of which a certified copy shall be communicated to each of the parties.

For Italy:

FRANCISCO BARBARO.

For Germany:

Graf. J. VON ZECH BURKERSRODA.

For Great Britain and Northern Ireland:

GRANVILLE.

For Austria:

A. DUFFEK.

For Canada:

E. P. LUKE.

For Spain:

Le Comte DE PRADÈRE.

For the Netherlands:

BEELAERTS VAN BLOKLAND.

INTERNATIONAL RADIOTELEGRAPH CONVENTION<sup>1</sup>

*Signed at Washington, D. C., November 25, 1927. Ratifications of convention and general regulations deposited by the United States and Canada. Ratifications of the convention and general and supplementary regulations deposited by Austria, Belgium (including the Belgian Congo Colony and the mandated territory of Ruanda-Ruandi), The Netherlands (including the Dutch East Indies, Surinam and Curacao), Great Britain, British India, Norway, Denmark, Italy, Finland and Morocco. The convention and regulations went into effect Jan. 1, 1929. (State Dept. announcement Dec. 31, 1928.)*

[Translation]

International radiotelegraph convention concluded among the governments of:

Union of South Africa, French Equatorial Africa and other colonies, French West Africa, Portuguese West Africa, Portuguese East Africa and the Portuguese Asiatic possessions, Germany, Argentine Republic, Commonwealth of Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Republic of Colombia, Spanish Colony of the Gulf of Guinea, Belgian Congo, Costa Rica, Cuba, Curacao, Cyrenaica, Denmark, Dominican Republic, Egypt, Republic of El Salvador, Eritrea, Spain, Estonia, United States of America, Finland, France, Great Britain, Greece, Guatemala, Republic of Haiti, Republic of Honduras, Hungary, British India, Dutch East Indies, French Indo-China, Irish Free State, Italy, Japan, Chosen, Taiwan, Japanese Sakhalin, the Leased Territory of Kwantung and the South Sea Islands under Japanese Mandate, Republic of Liberia, Madagascar, Morocco (with the exception of the Spanish Zone), Mexico, Monaco, Nicaragua, Norway, New Zealand, Republic of Panama, Paraguay, the Netherlands, Peru, Poland, Portugal, Rumania, Kingdom of the Serbs, Croats, and Slovenes, Siam, Italian Somaliland, Sweden, Switzerland, Surinam, Syro-Libanese Territories, Republic of San Marino, Czechoslovakia, Tripolitania, Tunis, Turkey, Uruguay, and Venezuela.

The undersigned, plenipotentiaries of the governments of the countries enumerated above, having met in conference at Washington, have, by common accord and subject to ratification, concluded the following convention:

## ARTICLE ZERO

In the present convention:

The term "radio communication," applies to the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds by means of Hertzian waves.

<sup>1</sup> Senate Ex. B, 70th Cong., 1st sess., pp. 1-11. The General and Supplementary Regulations annexed to the convention, and the minutes of the International Radio Conference of Washington, which are also printed in this document, pp. 12-293, are omitted from the JOURNAL.



The term "radio communication station" or simply "station" means a station equipped to carry on radio communications.

The term "fixed station" means a station permanently located and communicating with one or more stations similarly located.

The term "mobile station" means a station capable of moving and which ordinarily does move.

The term "land station" means a station other than a mobile station used for radio communication with mobile stations.

The term "mobile service" means the radio communication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

The term "international service" means a radio communication service between a station in one country and a station in another country, or between a land station and a mobile station located outside the limits of the country in which the land station is situated, or between two or more mobile stations on or over the high seas. An internal or national radio communication service which is likely to cause interference with other services outside the limits of the country in which it operates is considered as an international service from the viewpoint of interference.

The term "general communication system" means all the existing telegraph and telephone channels of communication, wire and radio, open to public service, but excluding the radio communication channels of the mobile service.

The term "public service" means a service for the use of the general public.

The term "limited service" means a service which may be used only by specified persons or for specific purposes.

The term "public correspondence" means all radio communications which a station, by reason of being open to public service, must accept from the public for transmission.

The term "private enterprise" means any person, company, or corporation which operates one or more stations for radio communication.

The term "radiotelegram" means a telegram originating in or destined to a mobile station, transmitted by radio over all or part of its route.

#### ARTICLE 1

1. The contracting governments undertake to apply the provisions of the present convention to all radio communication stations established, or operated by the contracting governments, and open to the international service of public correspondence. They undertake likewise, to apply these provisions to the special services covered by the regulations annexed to the present convention.<sup>2</sup>

2. They agree, moreover, to take or to propose to their respective legislatures the necessary measures to impose the observance of the provisions of

<sup>2</sup> Omitted from the JOURNAL. See footnote (1).

the present convention and the regulations annexed thereto upon individuals and private enterprises authorized to establish and operate radio communication stations in the international service, whether or not open to public correspondence.

3. The contracting governments recognize the right of two contracting governments to organize radio communications, between themselves, provided only that they conform to all provisions of the present convention and the regulations annexed thereto.

#### ARTICLE 3

1. So far as international communications between fixed stations are concerned, each contracting government reserves entire freedom with relation to the organization of the service and the determination of the correspondence to be exchanged by the stations carrying on these communications.

When, however, these fixed stations carry on an international service of public correspondence, either from country to country or with stations in the mobile service, they must conform, respectively, for each of these two classes of communications, to the provisions of the present convention and of the regulations annexed thereto.

2. With regard to communications between stations participating in the mobile service, stations carrying on such communications must, within the limits of their normal operations, exchange radiotelegrams reciprocally without regard to the radio system adopted by them.

3. In order not to impede scientific progress, however, the provisions of the preceding paragraph shall not prevent the eventual use of a radio system incapable of communicating with other systems, provided that this incapacity be due to the specific nature of that system and it be not the result of devices adopted solely for the purpose of preventing intercommunication.

#### ARTICLE 4

Notwithstanding the provisions of Article 3, a radio communication station may be assigned to a limited international service of public correspondence determined by the purpose of the correspondence or by other circumstances independent of the system employed.

#### ARTICLE 4 *bis*

The contracting governments agree to take or to propose to their respective legislatures the necessary measures to prevent:

(a) The unauthorized transmission and reception by means of radio installations of correspondence of a private nature.

(b) The unauthorized divulging of the contents, or simply of the existence, of correspondence which may have been intercepted by means of radio installations.

(c) The unauthorized publication or use, of correspondence received by means of radio installations.

(d) The transmission or the placing in circulation of false or deceptive distress signals or distress calls.

#### ARTICLE 4 *ter*

The contracting governments undertake to aid each other by supplying information concerning violations of the provisions of the present convention and of the regulations annexed thereto, as well as, if necessary, in the prosecution of persons violating these provisions.

#### ARTICLE 5

Each of the contracting governments agrees to take the necessary measures in order that land stations established on its territory and open to the international service of public correspondence shall be connected with the general communication system or at least to take steps to assure rapid and direct exchanges between these stations and the general communication system.

#### ARTICLE 6

The contracting governments shall notify each other, through the intermediary of the International Bureau of the Telegraph Union, of the names of stations open to the international service of public correspondence and of stations carrying on special services covered by the regulations annexed to the present convention, as well as of all data for facilitating and expediting radio communication.

#### ARTICLE 7

Each of the contracting governments reserves the right to prescribe or permit, in the stations covered by Article 6, independent of the installation, the data relating to which shall be published in accordance with that article, other devices to be established and operated for special radio transmission, without publishing the details of such devices.

#### ARTICLE 8

The stations covered by Article 1 must, so far as practicable, be established and operated under the best conditions known to the practice of the service and must be maintained abreast of scientific and technical progress.

All stations, whatever their purpose, must, so far as practicable, be established and operated so as not to interfere with the radio communications or services of other contracting governments and of individuals or of private enterprises authorized by these contracting governments to carry on public radio communication service.

## ARTICLE 9

Stations participating in the mobile service shall be obliged to give absolute priority to distress calls, regardless of their origin, to answer such calls, and to take such action with regard thereto as may be required.

## ARTICLE 10

Charges applicable to radiotelegrams and the various cases in which these are allowed radio franking privileges shall be established in accordance with the provisions of the regulations annexed to the present convention.

## ARTICLE 11

1. The provisions of the present convention are completed by:
  1. General regulations which have the same force and become effective at the same time as the convention.
  2. Supplementary regulations which bind only the governments which have signed them.
2. The provisions of the present convention and of the regulations annexed thereto shall be revised by conferences of plenipotentiaries of the contracting governments, each conference fixing the place and the time of the following meeting.
3. Before any deliberation each conference shall establish rules of procedure setting forth the conditions under which debate shall be organized and carried on.

ARTICLE 12 *bis*

The contracting governments reserve for themselves and for private enterprises duly authorized by them the right to make special arrangements on matters of service which do not interest the governments generally. These arrangements, however, must be in conformity with the convention and the regulations annexed thereto so far as concerns the interference which their execution might produce with the services of other countries.

ARTICLE 12 *ter*

Each government reserves the right to suspend international radio communication service for an indefinite period, if deemed necessary either generally or only for certain connections and/or for certain kinds of radio communication, provided that it shall immediately so advise each of the other contracting governments through the intermediary of the International Bureau of the Telegraph Union.

## ARTICLE 13

1. The International Bureau of the Telegraph Union shall be charged with collecting, coördinating, and publishing information of all kinds relative to radio services, with examining the requests for changes in the convention

and the regulations annexed thereto, with promulgating the amendments adopted, and generally with performing all administrative tasks with which it shall have been charged in the interest of international radio services.

2. The expenses resulting from these activities shall be borne by all the contracting governments in the proportion fixed by the general regulations.

#### ARTICLE 13 *bis*

An International Technical Consulting Committee on Radio Communications shall be established for the purpose of studying technical and related questions pertaining to these communications.

Its composition, activities, and operations shall be defined in the general regulations annexed to the present convention.

#### ARTICLE 14

1. Each of the contracting governments reserves the right to determine the conditions under which it will accept telegrams or radiotelegrams originating in or destined to a station not subject to the provisions of the present convention.

2. If a telegram or a radiotelegram is accepted, it must be transmitted, and the usual charges must be applied to it.

#### ARTICLE 16

Governments which are not parties to the present convention shall be permitted to adhere to it upon their request.

Such adherence shall be communicated through diplomatic channels to the contracting government within whose territory the last conference shall have been held and by the latter to the remaining governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of the present convention and admission to all the advantages stipulated therein.

The adherence to the convention by the government of a country having colonies, protectorates, or territories under sovereignty or mandate shall not carry with it the adherence of these colonies, protectorates, or territories under sovereignty or mandate, unless a declaration to that effect is made by that government.

Such colonies, protectorates, or territories under sovereignty or mandate as a whole, or each of them separately, may form the subject of a separate adherence or of a separate denunciation within the provisions of the present article and of Article 22.

#### ARTICLE 18

1. In case of disagreement between two contracting governments, regarding the interpretation or execution of the present convention or of the regulations provided for in Article 11, the question must, at the request of one



of these governments, be submitted to arbitration. For that purpose each of the governments involved shall choose another government not interested in the question at issue.

2. If agreement between the two arbitrators can not be reached the latter shall appoint another contracting government equally disinterested in the question at issue. If the two arbitrators can not agree upon the choice of this third government, each arbitrator shall propose a contracting government not interested in the dispute; and lots shall be drawn between the governments proposed. The drawing shall devolve upon the government within whose territory the International Bureau mentioned in Article 13 operates. The decision of the arbitrators shall be by majority vote.

#### ARTICLE 20

The contracting governments shall communicate to one another, if they deem it useful, through the intermediary of the International Bureau of the Telegraph Union, the laws and regulations which have been or which may be promulgated in their countries relative to the object of the present convention.

#### ARTICLE 21

The contracting governments retain their entire liberty regarding radio installations not covered in Article 1, and especially with reference to naval and military installations.

All these installations and stations must, so far as practicable, comply with the provisions of the regulations regarding help to be given in case of distress and measures to be taken to prevent interference. They must also, so far as practicable, observe such provisions of the regulations as concern the types of waves and the frequencies to be used, according to the kind of service which these stations carry on.

When, however, these installations and stations are used for public correspondence or participate in the special services governed by the regulations annexed to the present convention, they must, in general, conform to the provisions of the regulations for the conduct of these services.

#### ARTICLE 22

The present convention shall go into effect on January 1, 1929; and shall remain in force for an indeterminate period and until one year from the day on which a denunciation thereof shall have been made.

The denunciation shall affect only the government in whose name it has been made. The convention shall remain in force for the other contracting governments.

#### ARTICLE 23

The present convention shall be ratified and the ratifications thereof shall be deposited in Washington with the least practicable delay.



In case one or more of the contracting governments should not ratify the convention it shall be none the less binding upon the governments which shall have ratified it.

In witness whereof, the respective plenipotentiaries have signed the convention in a single copy, which shall remain in the archives of the Government of the United States of America and one copy of which shall be sent to each government.

Done at Washington, November 25, 1927.

For the Union of South Africa:

H. J. LENTON

W. F. C. MORTON

For French Equatorial Africa and  
other Colonies:

CASSAGNAC

For French West Africa:

CASSAGNAC

For Portuguese West Africa:

ARNALDO DE PAIVA CARVALHO

For Portuguese East Africa and the  
Portuguese Asiatic Possessions:

MARIO CORRÊA BARATA DA CRUZ

For Germany:

OTTO ARENDT

HERMANN GIESS

H. HARBICH

ARTHUR WERNER

GÜNTHER SUADICANI

E. L. BAER

For the Argentine Republic:

FELIPE A. ESPIL

LUIS F. ORLANDINI

FRANCISCO LAJOUS

For the Commonwealth of Australia:

H. P. BROWN

For Austria:

DR. MAXIMILIAN HARTWICH

ENG. HANS PFEUFFER

For Belgium:

J. PIERART

GOLDSCHMIDT

G. VINCENT

For Bolivia:

GEO. DE LA BARRA

For Brazil:

P. COELHO DE ALMEIDA

FREDERICO VILLAR

MANUEL F. SIMÕES AYRES

For Bulgaria:

ST. BISSEROFF

For Canada:

A. JOHNSTON

LAURENT BEAUDRY

C. P. EDWARDS

W. ARTHUR STEEL

For Chile:

I. HOLGER

For China:

CHIN CHUN WANG

CHANG-HSÜAN

HING GING Y. LEE

TI-CHING WU

For the Republic of Colombia:

ENRIQUE OLAYA H.

For the Spanish Colony of the Gulf  
of Guinea:

ADOLFO H. DE SOLÁS

For the Belgian Congo:

J. PIERART

G. VINCENT

ROBERT GOLDSCHMIDT

For Costa Rica:

J. RAFAEL OREAMUNO

For Cuba:

L. ALBURQUERQUE

GONZALO GÜELL

LUIS MARINO PÉREZ

For Curacao:

G. SCHOTEL

## For Cyrenaica:

PAOLO ZONTA

## For Denmark:

T. G. KRARUP

C. WAMBERG

## For the Dominican Republic:

M. L. VASQUEZ G.

## For Egypt:

HORACE MAYNE

ALY IBRAHIM

## For Eritrea:

CESARE BARDELONI

## For Spain:

MARIANO AMOEDO

ANTONIO NIETO

ADOLFO H. DE SOLAS

JOSÉ SASTRE

## For Esthonia:

G. JALLAJAS

## For the United States of America:

HERBERT HOOVER

STEPHEN DAVIS

JAMES E. WATSON

E. D. SMITH

WALLACE H. WHITE, JR.

W. R. CASTLE, JR.

WILLIAM ROY VALLANCE

C. MCK. SALTZMAN

THOS. T. CRAVEN

W. D. TERRELL

OWEN D. YOUNG

SAMUEL REBER

J. BEAVER WHITE

ARTHUR E. KENNELLY

## For Finland:

L. ASTRÖM

## For France:

L. BOULANGER

## For Great Britain:

T. F. PURVES

J. JOYCE BRODERICK

F. W. PHILLIPS

F. W. HOME

L. F. BLANDY, Air Commodore

C. H. BOYD

A. LESLIE HARRIS

## For Greece:

TH. PENTHEROUDAKIS

## For Guatemala:

J. MONTANO N.

## For the Republic of Haiti:

RAOUL LIZAIRE

## For the Republic of Honduras:

LUIS BOGRÁN

## For Hungary:

BERNARD DE PASKAY

## For British India:

P. J. EDMUNDS

P. N. MITRA

## For the Dutch East Indies:

G. C. HOLTZAPPEL

WARNSINCK

G. SCHOTEL

VAN DOOREN

## For the French Indo-China:

G. JULLIEN

## For the Irish Free State:

P. S. MACCATHMHAOIL

T. S. O'MUINEACHAIN

## For Italy:

GUISEPPE GNEME

GIACOMO BARBERA

GINO MONTEFINALE

## For Japan:

For Chosen, Taiwan, Japanese  
Sakhalin, the Leased Territory  
of Kwantung and the South  
Sea Islands under Japanese  
Mandate:

S. SAWADA

N. MORITA

K. NISHIZAKI

I. YAMAMOTO

SANNOSUKE INADA

T. USHIZAWA

T. NAKAGAMI

For the Republic of Liberia:

ERNEST LYON, Subj. to the ratification of the Senate

For Madagascar:

G. JULLIEN

For Morocco (with the exception of the Spanish Zone):

FREDERIC KNOBEL

For Mexico:

PEDRO N. COTA

JUAN B. SALDAÑA

For Nicaragua:

MANUEL ZAVALA

For Norway:

N. NICKELSEN

HARMOD PETERSON

P. TENNFIJORD

J. J. LARSEN

For New Zealand:

A. GIBBS

For the Republic of Panama:

R. J. ALFARO

For Paraguay:

JUAN VICENTE RAMÍRIZ

For the Netherlands:

G. J. HOFKER

J. A. BLAND VAN DEN BERG

W. KRUIJT

E. F. W. VÖLTER

WARNSINCK

For Peru:

A. GONZÁLES-PRADA

For Persia:

D. MEFTAH (en referendum)

For Poland:

EUGÈNE STALLINGER

For Portugal:

JOSÉ DE LIZ FERREIRA JUNIOR

For Rumania:

G. CRETZIANO (ad referendum)

For the Republic of El Salvador:

FRANCISCO A. LIMA

For the Kingdom of the Serbs, Croats and Slovenes:

V. ANTONIÉVICH

For Siam:

NIDES VIRAJAKICH

For Italian Somaliland:

VALERIO DELLA CAMPANA

For Sweden:

HAMILTON

LITSTRÖM

LEMOINE

For Switzerland:

E. NUSSBAUM

For Surinam:

G. SCHOTEL

For the Syro-Libanese Territories:

FREDERIC KNOBEL

For the Republic of San Marino:

FRN. FERRARI

For Czechoslovakia:

Dr. OTTO KUCERA

Eng. STRNAD

For Tripolitania:

SETTIMIO AURINI

For Tunis:

FREDERIC KNOBEL

For Turkey:

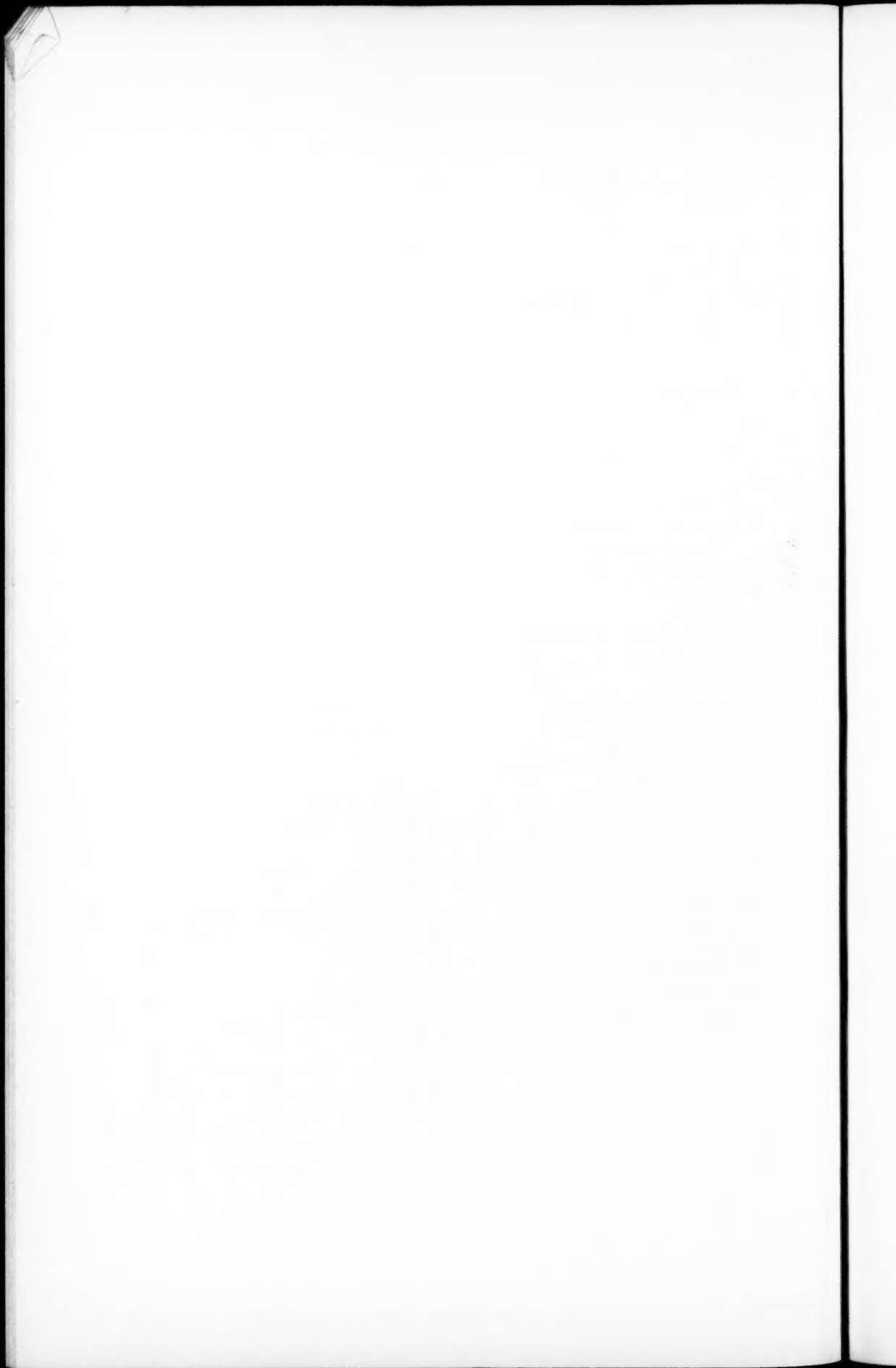
J. A. BLAND VAN DEN BERG

For Uruguay:

VARELA

For Venezuela:

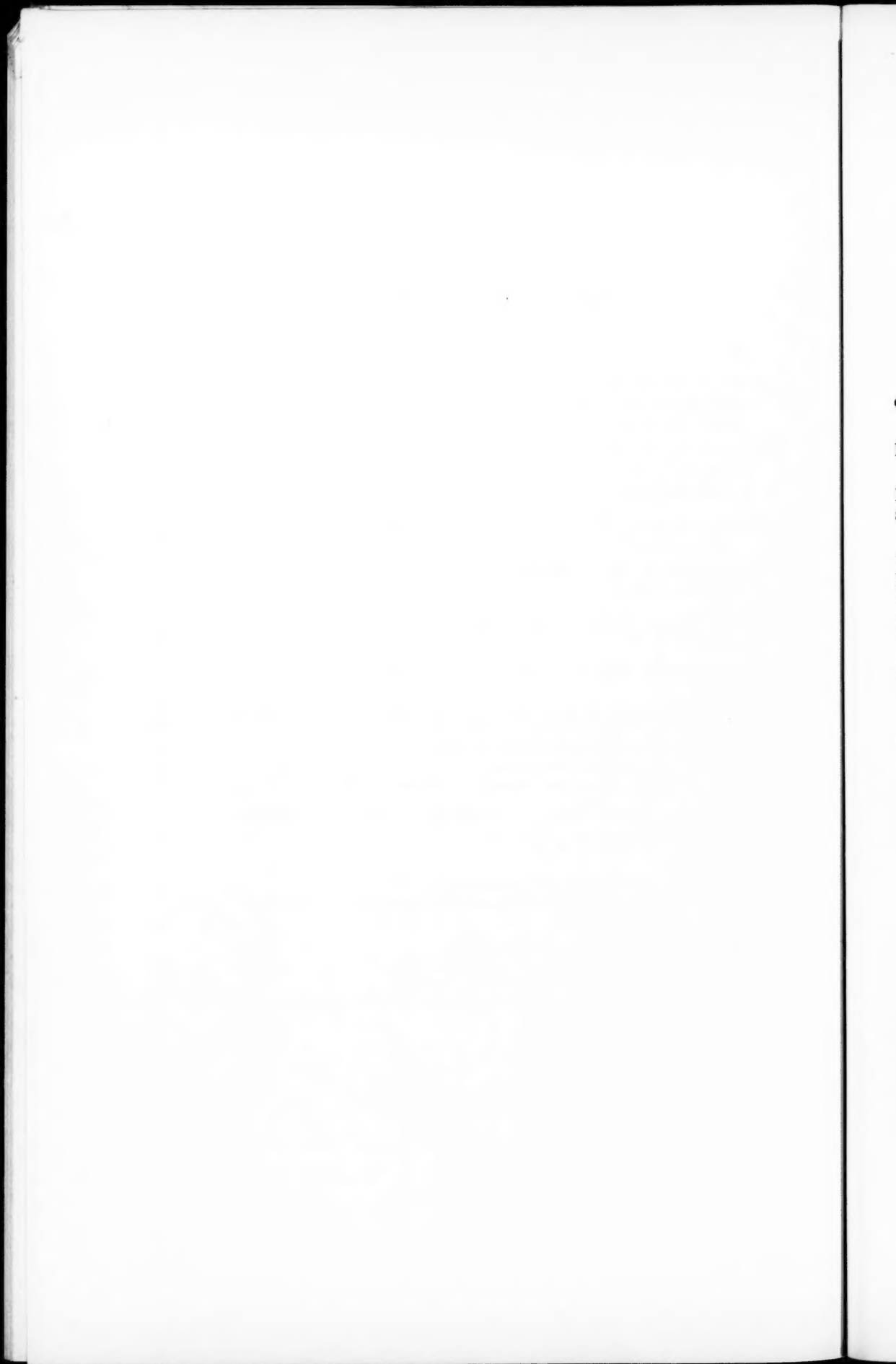
LUIS CHURION



# OFFICIAL DOCUMENTS

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## OFFICIAL DOCUMENTS

### ARBITRATION TREATY BETWEEN THE UNITED STATES AND ALBANIA <sup>1</sup>

*Signed at Washington October 22, 1928; ratifications exchanged  
February 12, 1929*

The President of the United States of America and His Majesty the King of the Albanians

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America, and

His Majesty the King of the Albanians:

Mr. Faik Konitza, Envoy Extraordinary and Minister Plenipotentiary of Albania in the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organiza-

<sup>1</sup> U. S. Treaty Series, No. 770.

tion of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Albania in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Albania in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Albania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Albanian languages, the English text to have authority in case of conflict between the two texts, and hereunto affixed their seals.

Done at Washington the twenty-second day of October in the year one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

FAÏK KONITZA [SEAL]

CONCILIATION TREATY BETWEEN THE UNITED STATES AND ALBANIA <sup>1</sup>

*Signed at Washington October 22, 1928; ratifications exchanged  
February 12, 1929*

The President of the United States of America and His Majesty the King of the Albanians, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;  
and

His Majesty the King of the Albanians:

Mr. Faik Konitza, Envoy Extraordinary and Minister Plenipotentiary of Albania in the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Albania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent international commission constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The international commission shall be composed of five members to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportions.

The international commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a

<sup>1</sup> U. S. Treaty Series, No. 771.

competent tribunal, they shall at once refer it to the international commission for investigation and report. The international commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the permanent international commission with all the means and facilities required for its investigation and report.

The report of the commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Albania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Albanian languages, the English text to have authority in case of conflict between the two texts, and hereunto affixed their seals.

Done at Washington the twenty-second day of October, in the year one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

FAÏK KONITZA [SEAL]

#### ARBITRATION TREATY BETWEEN THE UNITED STATES AND FINLAND<sup>1</sup>

*Signed at Washington June 7, 1928; ratifications exchanged January 14, 1929.*

The President of the United States of America and the President of the Republic of Finland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to

<sup>1</sup> U. S. Treaty Series, No. 768.

impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries,

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Finland, Mr. L. Åström, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Finland in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Finland in accordance with the Covenant of the League of Nations.

### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Finland in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affix their seals.

Done at Washington the seventh day of June in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL]

FRANK B. KELLOGG

[SEAL]

L. ÅSTRÖM

### CONCILIATION TREATY BETWEEN THE UNITED STATES AND FINLAND <sup>1</sup>

*Signed at Washington June 7, 1928; ratifications exchanged January 14, 1929.*

The President of the United States of America and the President of the Republic of Finland, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America,

Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Finland,

Mr. L. Åström, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Finland, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent international commission constituted in the manner prescribed in the next succeeding

<sup>1</sup> U. S. Treaty Series, No. 769.



article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II

The international commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportions.

The international commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the international commission for investigation and report. The international commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their coöperation in the investigation.

The high contracting parties agree to furnish the permanent international commission with all the means and facilities required for its investigation and report.

The report of the commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Finland in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affix their seals.

Done at Washington the seventh day of June in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL]  
[SEAL]

FRANK B. KELLOGG  
L. ÅSTRÖM

EXTENSION OF THE JURISDICTION OF THE MIXED CLAIMS COMMISSION UNITED STATES AND GERMANY

Agreement effected by Exchange of Notes between the United States and Germany<sup>1</sup>

*Signed December 31, 1928*

*[The Secretary of State to the German Ambassador]*

DEPARTMENT OF STATE,  
*Washington, December 31, 1928.*

EXCELLENCY:

I have the honor to refer to your note of November 26, 1928, regarding the concluding of an agreement between the United States and Germany for the extension of the jurisdiction of the Mixed Claims Commission, United States and Germany, to include claims of the same character as those of which the commission now has jurisdiction under the agreement between the two governments signed August 10, 1922, which were not filed in time to be submitted to the commission under the terms of the notes exchanged at the time of signing that agreement but which were filed with the Department of State prior to July 1, 1928.

You state that your government is prepared to do its share to bring about a settlement of these so-called late claims, but that it considers that the preparation and adjudication of the claims should be governed by the same legal principles as have so far been applied in the proceedings of the Mixed Claims Commission, and that means should be found by which a prompt and speedy preparation and adjudication of the claims involved may be fully guaranteed. Your government suggests that as an appropriate means to this end, fixed and final terms should be agreed upon for the filing of claims and defense material, including the necessary evidence, and that a requirement should be made that all claims to be adjudicated by the commission should be presented for judgment within a fixed period of time. You add that, owing to the fact that the adjudication of the late claims will necessitate the continuance of the expensive machinery of the Mixed Claims Commission for some months, which would not otherwise be necessary or which would not have been necessary to the same extent if the claims had been presented

<sup>1</sup> U. S. Treaty Series, No. 766.

within the time prescribed by the agreement of August 10, 1922, your government considers that the claimants for whom a remedy will thus be afforded should participate to an appropriate extent in the expenses which will result from the prolongation of the life of the commission. This, you suggest, might be accomplished by the collection of a fee for the final filing of each claim, thus eliminating to the greatest possible extent claims which are unfounded or which are presented in unjustified amounts, and an additional fee for preparing and adjudicating the claim.

I desire to express my appreciation of the willingness of your government to cooperate with my government in an effort to complete the adjudication of the claims defined above. My government, equally with your government, is anxious that the work of the Mixed Claims Commission should be completed at the earliest date practicable and will use its best endeavors to that end. With respect to your suggestion that the claimants who will be benefited by an extension of time for the presentation of so-called late claims should share to an appropriate extent the additional expense incident to the prolongation of the labors of the Mixed Claims Commission, my government considers that it would not be feasible to require the deposit of a fee as a condition precedent to the adjudication of the claims. In an effort, however, to meet the views of your government that it should be relieved of this additional expense, the President would be willing to recommend to the Congress that the one-half of one per cent. which the Secretary of the Treasury is authorized by the "Settlement of War Claims Act of 1928" to deduct from awards made by the Mixed Claims Commission before payment thereof to the claimants as reimbursement for the expenses of the United States incident to the adjudication of the claims, shall, in so far as regards the late claims, be made available to your government for defraying such expenses as may be incurred by your government in connection with the adjudication of such late claims. I, therefore, suggest the following as the terms of the agreement between the two governments:

(1) That all the late claims of American nationals against Germany, notice of which was filed with the Department of State prior to July 1, 1928, of the character of which the Mixed Claims Commission, United States and Germany, now has jurisdiction under the claims agreement concluded between the United States and Germany on August 10, 1922, shall be presented to the commission with the supporting evidence within six calendar months from the first day of February, 1929;

(2) That the answer of the German Government to each claim presented shall, together with supporting evidence, be filed with the commission within six calendar months from the date on which the claim is presented to the commission, as provided for in paragraph 1;

(3) That the subsequent progress of the claims before the commission, including the submission of additional evidence and the filing of briefs, shall be governed by rules prescribed by the commission, it being understood that

both governments are equally desirous of expediting the completion of the work of the commission;

(4) That the preparation and adjudication of the claims shall be governed by the same legal principles as have so far been applied in the proceedings before the Mixed Claims Commission;

(5) That the President will recommend to the Congress that the one-half of one per cent. which the Secretary of the Treasury is authorized by the "Settlement of War claims Act of 1928" to deduct from awards made by the Mixed Claims Commission before payment thereof to the claimants for application to the expenses of the United States incident to the adjudication of the claims, shall, in so far as regards the late claims, be made available to the German government for defraying such expenses as may be incurred by that government in connection with the adjudication of such late claims.

Upon the receipt from you of a note expressing the concurrence of your government in the conditions outlined in paragraphs 1 to 5 inclusive, the agreement contemplated by paragraph (j) of Section 2 of the "Settlement of War Claims Act of 1928" will be regarded as consummated.

Accept, excellency, the renewed assurances of my highest consideration.

FRANK B. KELLOGG

His Excellency

HERR FRIEDRICH WILHELM VON PRITTWITZ UND GAFFRON  
*Ambassador of Germany*

*[The German Ambassador to the Secretary of State]*

*[Translation]*

GERMAN EMBASSY,  
*Washington, D. C., December 31, 1928.*

MR. SECRETARY OF STATE:

I have the honor to acknowledge receipt of Your Excellency's note of December 31, 1928, with reference to the adjudication of the late claims before the Mixed Claims Commission, United States and Germany.

In reply thereto I beg to express to your excellency the concurrence of my government in the proposals for adjusting this matter, as outlined in paragraphs 1 to 5 inclusive of your excellency's note, and to inform you that my government considers the agreement contemplated by subsection (j) of Section 2 of the "Settlement of War Claims Act of 1928" as thus consummated.

Accept, excellency, the renewed assurance of my highest consideration.

F. W. V. PRITTWITZ

His Excellency

The Secretary of State of the United States

MR. FRANK B. KELLOGG  
*Washington, D. C.*

CONVENTION TO PREVENT SMUGGLING OF INTOXICATING LIQUORS BETWEEN  
THE UNITED STATES AND GREECE<sup>1</sup>

*Signed at Washington April 25, 1928; ratifications exchanged February 18, 1929.*

The United States of America and Greece, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages have decided to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America: Frank B. Kellogg, Secretary of State of the United States, and

The President of the Hellenic Republic: Charalambos Simopoulos, Envoy Extraordinary and Minister Plenipotentiary of Greece at Washington,

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

The high contracting parties respectively retain their rights and claims, without prejudice by reason of this agreement, with respect to the extent of their territorial jurisdiction.

ARTICLE II

The President of the Hellenic Republic agrees that Greece will raise no objection to the boarding of private vessels under the Greek flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel which shall have given ground for such suspicion, may be effected.

ARTICLE III

If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with the pertinent provisions of law.

ARTICLE IV

The boarding referred to in Article II shall not be made at a greater distance from the coast of the United States, its territories or possessions than

<sup>1</sup> U. S. Treaty Series, No. 772.



can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be the speed of the former vessel and not the speed of the vessel boarded, which shall determine the distance from the coast within which the action referred to in Article II may be taken.

#### ARTICLE V

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Greek vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

#### ARTICLE VI

Any claim preferred in behalf of a Greek vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this convention or on the ground that it has not been given the benefit of Article V shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the high contracting parties and whose decision shall be given effect if made in common accord.

When the said persons shall fail to agree, the claim shall be referred to an umpire selected by the two governments; should the governments fail to agree on the choice of an umpire, the claim shall be referred to the Permanent Court of Arbitration at The Hague, maintained under the Convention for the Pacific Settlement of International Disputes, signed at The Hague October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and Article 59 (Chapter III) of that convention. The proceedings shall be regulated by the provisions in the said Chapters III and IV (special regard being had to Articles 70 and 74, but excepting Articles 53 and 54) which the tribunal may consider to be applicable and to be consistent with the provisions of this convention. The sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable



deduction of the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two governments. The deficiency, if any, shall be defrayed in equal moieties by the two governments.

#### ARTICLE VII

This convention shall be ratified by the high contracting parties. It shall come into force on the day of the exchange of ratifications which shall take place at Washington as soon as possible and shall remain in force for one year.

Three months before the expiration of the said period of one year, either of the high contracting parties may give notice of its desire to propose modifications in the terms of the convention.

If an agreement in regard to such modifications has not been reached before the expiration of the year, the convention shall lapse at the end of said period.

If no notice is given on either side of the desire to propose modifications, the convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before the expiration of the said year, modifications in the convention that they may deem expedient, and to the provision that if an agreement in regard to such modifications has not been reached before the expiration of the year, the convention shall lapse at the end of said period.

In the event that either of the high contracting parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present convention the said convention shall automatically lapse, and, on such lapse or whenever this convention shall cease to be in force, each high contracting party shall enjoy all the rights which it would have possessed had this convention not been concluded.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate in the English and French languages and have hereunto affixed their seals.

Done at the city of Washington this twenty-fifth day of April, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

CH. SIMOPOULOS [SEAL]

TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN THE  
UNITED STATES AND HONDURAS <sup>1</sup>

*Signed at Tegucigalpa December 7, 1927; ratifications exchanged July 19, 1928.*

The United States of America and the Republic of Honduras desirous of strengthening the bond of peace which happily prevails between them, by ar-

<sup>1</sup> U. S. Treaty Series, No. 764.

rangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, George T. Summerlin, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and

The President of the Republic of Honduras, Doctor Fausto Dávila, Minister for Foreign Affairs of the Republic of Honduras,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

#### ARTICLE I

The nationals of each of the high contracting parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either high contracting party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each high contracting party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each high contracting party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this treaty shall be construed to affect existing statutes of either of the high contracting parties in relation to the immigration of aliens or the right of either of the high contracting parties to enact such statutes.

## ARTICLE II

With respect to that form of protection granted by national, state or provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the high contracting parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

## ARTICLE III

The dwellings, warehouses, manufacturies, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the high contracting parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

## ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one high contracting party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other high contracting party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either high contracting party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the high contracting party within whose territories such property may be or belong shall be liable to pay in like cases.

## ARTICLE V

The nationals of each of the high contracting parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

## ARTICLE VI

In the event of war between either high contracting party and a third state, such party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent party within sixty days after a declaration of war.

## ARTICLE VII

Between the territories of the high contracting parties there shall be freedom of commerce and navigation. The nationals of each of the high contracting parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this treaty shall be construed to restrict the right of either high contracting party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Each of the high contracting parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the high contracting parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other high contracting party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either high contracting party may extend to any article, the growth, produce, or manufacture of any other

foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other high contracting party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Honduran vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Honduras or are or may be legally exported therefrom in Honduran vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Honduran vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the contracting parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two high contracting parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third state shall simultaneously and unconditionally, without request and without compensation, be extended to the other high contracting party, for the benefit of itself, its nationals and vessels.

The stipulations of this article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the commercial convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, or to the treatment which Honduras accords, or may hereafter accord, to the commerce of Costa Rica, Guatemala, Nicaragua, Panama, and/or Salvador, so long as any special treatment accorded to the commerce of those countries or any of them by Honduras is not accorded to any other country.



## ARTICLE VIII

The nationals and merchandise of each high contracting party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

## ARTICLE IX

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

## ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other high contracting party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

## ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other high contracting party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the high contracting parties is exempt from the provisions of this Article and from the other provisions of this treaty, and is to be regulated according to the laws of each high contracting party in relation thereto. It is agreed, however, that the nationals of either high contracting party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment, excepting that special treatment with respect to the coasting trade of Honduras may be granted by Honduras on condition of reciprocity to vessels of Costa Rica, Guatemala, Nicaragua, Panama, and/or Salvador, so long as such special treatment is not accorded to vessels of any other country.



## ARTICLE XII

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either high contracting party shall on their entry into and sojourn in the territories of the other party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either high contracting party require the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination shall be accepted as satisfactory.

## ARTICLE XIII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, national, state or provincial, of either high contracting party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other high contracting party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either high contracting party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such party as expressed in its national, state, or provincial laws. If such consent be given on the condition of reciprocity, the condition shall be deemed to relate to the provisions of the laws, national, state, or provincial, under which the foreign corporation or association desiring to exercise such rights is organized.

## ARTICLE XIV

The nationals of either high contracting party shall enjoy within the territories of the other reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may

hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either high contracting party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, national, state or provincial, which are in force or may hereafter be established within the territories of the party wherein they propose to engage in business.

The nationals of either high contracting party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

#### ARTICLE XV

There shall be complete freedom of transit through the territories including territorial waters of each high contracting party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from or going through the territories of the other high contracting party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

#### ARTICLE XVI

Each of the high contracting parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the high contracting parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The government of each of the high contracting parties shall furnish free of charge the necessary exequatur of such consular officers of the other as pre-

sent a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his government, or by any other competent officer of that government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an *exequatur*, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this treaty.

#### ARTICLE XVII

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

#### ARTICLE XVIII

Consular officers, including employees in a consulate, nationals of the state by which they are appointed other than those engaged in private occupations for gain within the state where they exercise their functions shall be exempt from all taxes, national, state, provincial and municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either high contracting party, of which the other high contracting party is the legal or equitable

owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE XIX

Consular officers may place over the outer door of their respective offices the arms of their state with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the state where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

#### ARTICLE XX

Consular officers of either high contracting party may, within their respective consular districts, address the authorities, national, state, provincial or municipal, for the purpose of protecting the nationals of the state by which they are appointed in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

#### ARTICLE XXI

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own coun-

try. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the state by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the high contracting parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

#### ARTICLE XXII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the state by which the consular officer has been appointed and within the territorial waters of the state to which he has been appointed constitutes a crime according to the laws of that state, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the state to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the state to which he is appointed to render assistance as an interpreter or agent.



## ARTICLE XXIII

In case of the death of a national of either high contracting party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the state of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the high contracting parties without will or testament, in the territory of the other high contracting party, the consular officer of the state of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

## ARTICLE XXIV

A consular officer of either high contracting party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

## ARTICLE XXV

A consular officer of either high contracting party shall have the right to inspect within the ports of the other high contracting party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.



## ARTICLE XXVI

Each of the high contracting parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the high contracting parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

## ARTICLE XXVII

All proceedings relative to the salvage of vessels of either high contracting party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

## ARTICLE XXVIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon the territories of the high contracting parties to which the provisions of this treaty extend shall be understood to comprise all areas of land, water, and air over which the parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

## ARTICLE XXIX

Except as provided in the third paragraph of this Article the present treaty shall remain in full force for the term of ten years from the date of the

exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither high contracting party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the articles in this treaty or of terminating it upon the expiration of the aforesaid period, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the high contracting parties shall have notified to the other an intention of modifying or terminating the treaty.

The fifth and sixth paragraphs of Article VII and Articles IX and XI shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days' previous notice shall remain in force until either of the high contracting parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the treaty.

The present treaty shall, from the date of the exchange of ratifications, be deemed to supplant, terminate and annul the Treaty of Friendship, Commerce and Navigation, concluded by the United States and Honduras on July 4, 1864.

#### ARTICLE XXX

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Tegucigalpa as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals thereto.

Done in duplicate, in the English and Spanish languages at Tegucigalpa, this seventh day of December, nineteen hundred and twenty-seven.

[SEAL]

GEORGE T. SUMMERLIN

[SEAL]

F. DÁVILA

#### THE INTERNATIONAL CONFERENCE OF AMERICAN STATES ON CONCILIATION AND ARBITRATION <sup>1</sup>

*Washington, December 10, 1928-January 5, 1929*

##### GENERAL CONVENTION OF INTER-AMERICAN CONCILIATION

The Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Perú, Honduras, Guatemala, Haiti, Ecuador, Colombia, Brazil, Panamá, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America, represented at the Conference on Conciliation and Arbitration, assembled at Washington, pursuant to the resolution

<sup>1</sup> United States Government Printing Office, Washington, 1929.

adopted on February 18, 1928, by the Sixth International Conference of American States held in the City of Habana:

Desiring to demonstrate that the condemnation of war as an instrument of national policy in their mutual relations, set forth in the above mentioned resolution, constitutes one of the fundamental bases of inter-American relations:

Animated by the purpose of promoting, in every possible way, the development of international methods for the pacific settlement of differences between the states;

Being convinced that the "Treaty to Avoid or Prevent Conflicts between the American States," signed at Santiago de Chile, May 3, 1923,<sup>2</sup> constitutes a notable achievement in inter-American relations, which it is necessary to maintain by giving additional prestige and strength to the action of the commissions established by Articles III and IV of the aforementioned treaty;

Acknowledging the need of giving conventional form to these purposes have agreed to enter into the present convention, for which purpose they have appointed plenipotentiaries as follows:

Venezuela:	Brazil.
Carlos F. Grisanti.	S. Gurgel do Amaral.
Francisco Arroyo Parejo.	A. G. de Araujo-Jorge.
Chile:	Panama:
Manuel Foster Recabarren.	Ricardo J. Alfaro.
Antonio Planet.	Carlos L. López.
Bolivia:	Paraguay:
Eduardo Diez de Medina.	Eligio Ayala.
Uruguay:	Nicaragua:
José Pedro Varela.	Máximo H. Zepeda.
Costa Rica:	Adrián Recinos
Manuel Castro Quesada.	J. Lisandro Medina.
José Tible-Machado.	Mexico:
Peru:	Fernando González Roa.
Hernán Velarde.	Benito Flores.
Victor M. Maúrtua.	El Salvador:
Honduras:	Cayetano Ochoa.
Rómulo Durón.	David Rosales, Jr.
Marcos López Ponce.	Dominican Republic:
Guatemala:	Angel Morales.
Adrián Recinos.	Gustavo A. Díaz.
José Falla.	Cuba:
Haiti:	Orestes Ferrara.
Auguste Bonamy.	Gustavo Gutiérrez.
Raoul Lizaire.	

<sup>2</sup> Printed in Supplement to this JOURNAL, Vol. 21, p. 107.

Ecuador:

Gonzalo Zaldumbide.

Colombia:

Enrique Olaya Herrera.

Carlos Escallón.

United States of America:

Frank B. Kellogg.

Charles Evans Hughes.

Who, after having deposited their full powers, which were found to be in good and due form by the conference, have agreed as follows:

#### ARTICLE 1

The high contracting parties agree to submit to the procedure of conciliation established by this convention all controversies of any kind which have arisen or may arise between them for any reason and which it may not have been possible to settle through diplomatic channels.

#### ARTICLE 2

The Commission of Inquiry to be established pursuant to the provisions of Article IV of the treaty signed in Santiago de Chile on May 3, 1923, shall likewise have the character of Commission of Conciliation.

#### ARTICLE 3

The permanent commissions which have been established by virtue of Article III of the Treaty of Santiago de Chile of May 3, 1923, shall be bound to exercise conciliatory functions, either on their own motion when it appears that there is a prospect of disturbance of peaceful relations, or at the request of a party to the dispute, until the commission referred to in the preceding article is organized.

#### ARTICLE 4

The conciliatory functions of the commission described in Article 2 shall be exercised on the occasions hereinafter set forth:

- (1) The commission shall be at liberty to begin its work with an effort to conciliate the differences submitted to its examination with a view to arriving at a settlement between the parties.
- (2) Likewise the same commission shall be at liberty to endeavor to conciliate the parties at any time which in the opinion of the commission may be considered to be favorable in the course of the investigation and within the period of time fixed therefor in Article V of the Treaty of Santiago de Chile of May 3, 1923.
- (3) Finally, the commission shall be bound to carry out its conciliatory function within the period of six months which is referred to in Article VII of the Treaty of Santiago de Chile of May 3, 1923.

The parties to the controversy may, however, extend this time, if they so agree and notify the commission in due time.

## ARTICLE 5

The present convention does not preclude the high contracting parties, or one or more of them, from tendering their good offices or their mediation, jointly or severally, on their own motion or at the request of one or more of the parties to the controversy; but the high contracting parties agree not to make use of those means of pacific settlement from the moment that the commission described in Article 2 is organized until the final act referred to in Article 11 of this convention is signed.

## ARTICLE 6

The function of the commission, as an organ of conciliation, in all cases specified in Article 2 of this convention, is to procure the conciliation of the differences subject to its examination by endeavoring to effect a settlement between the parties.

When the commission finds itself to be within the case foreseen in paragraph 3 of Article 4 of this convention, it shall undertake a conscientious and impartial examination of the questions which are the subject of the controversy, shall set forth in a report the results of its proceedings, and shall propose to the parties the bases of a settlement for the equitable solution of the controversy.

## ARTICLE 7

Except when the parties agree otherwise, the decisions and recommendations of any commission of conciliation shall be made by a majority vote.

## ARTICLE 8

The commission described in Article 2 of this convention shall establish its rules of procedure. In the absence of agreement to the contrary, the procedure indicated in Article IV of the Treaty of Santiago de Chile of May 3, 1923, shall be followed.

Each party shall bear its own expenses and a proportionate share of the general expenses of the commission.

## ARTICLE 9

The report and the recommendations of the commission, in so far as it may be acting as an organ of conciliation, shall not have the character of a decision nor an arbitral award, and shall not be binding on the parties either as regards the exposition or interpretation of the facts or as regards questions of law.

## ARTICLE 10

As soon as possible after the termination of its labors the commission shall transmit to the parties a certified copy of the report and of the bases of settlement which it may propose.

The commission in transmitting the report and the recommendations to the parties shall fix a period of time, which shall not exceed six months, within which the parties shall pass upon the bases of settlement above referred to.

#### ARTICLE 11

Once the period of time fixed by the commission for the parties to make their decisions has expired, the commission shall set forth in a final act the decision of the parties, and if the conciliation has been effected, the terms of the settlement.

#### ARTICLE 12

The obligations set forth in the second sentence of the first paragraph of Article I of the Treaty of Santiago de Chile of May 3, 1923, shall extend to the time when the final act referred to in the preceding article is signed.

#### ARTICLE 13

Once the procedure of conciliation is under way it shall be interrupted only by a direct settlement between the parties or by their agreement to accept absolutely the decision *ex aequo et bono* of an American chief of state or to submit the controversy to arbitration or to an international court.

#### ARTICLE 14

Whenever for any reason the Treaty of Santiago de Chile of May 3, 1923, does not apply, the commission referred to in Article 2 of this convention shall be organized to the end that it may exercise the conciliatory functions stipulated in this convention; the commission shall be organized in the same manner as that prescribed in Article IV of said treaty.

In such cases, the commission thus organized shall be governed in its operation by the provisions, relative to conciliation, of this convention.

#### ARTICLE 15

The provisions of the preceding article shall also apply with regard to the permanent commissions constituted by the aforementioned Treaty of Santiago de Chile, to the end that said commissions may exercise the conciliatory functions prescribed in Article 3 of this convention.

#### ARTICLE 16

The present convention shall be ratified by the high contracting parties in conformity with their respective constitutional procedures, provided that they have previously ratified the Treaty of Santiago, Chile, of May 3, 1923.

The original convention and the instruments of ratification shall be deposited in the Ministry for Foreign Affairs of the Republic of Chile which shall give notice of the ratifications through diplomatic channels to the other



signatory governments and the convention shall enter into effect for the high contracting parties in the order that they deposit their ratifications.

This convention shall remain in force indefinitely, but it may be denounced by means of notice given one year in advance at the expiration of which it shall cease to be in force as regards the party denouncing the same, but shall remain in force as regards the other signatories. Notice of the denunciation shall be addressed to the Ministry for Foreign Affairs of the Republic of Chile which will transmit it for appropriate action to the other signatory governments.

Any American state not a signatory of this convention may adhere to the same by transmitting the official instrument setting forth such adherence, to the Ministry for Foreign Affairs of the Republic of Chile which will notify the other high contracting parties thereof in the manner heretofore mentioned.

In witness whereof the above mentioned plenipotentiaries have signed this convention in English, Spanish, Portuguese and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929.

CARLOS F. GRISANTI  
FR. ARROYO PAREJO

[SEAL]

CARLOS F. GRISANTI  
FR. ARROYO PAREJO

Chile makes exception in this convention of questions which may arise from situations or acts prior thereto. (Translation.)

A. PLANET

[SEAL]

MANUEL FOSTER

[SEAL]

E. DIEZ DE MEDINA

[SEAL]

JOSÉ PEDRO VARELA

[SEAL]

MANUEL CASTRO QUESADA

[SEAL]

JOSÉ TIBLE-MACHADO

HERNÁN VELARDE

[SEAL]

VÍCTOR M. MAÚRTUA

[SEAL]

RÓMULO E. DURÓN

[SEAL]

M. LÓPEZ PONCE

[SEAL]

ADRIÁN RECINOS

[SEAL]

JOSÉ FALLA

[SEAL]

[SEAL]

A. BONAMY

[SEAL]

RAOUL LIZAIRE

[SEAL]

GONZALO ZALDUMBIDE

[SEAL]

ENRIQUE OLAYA HERRERA

[SEAL]

C. ESCALLÓN

S. GURGEL DO AMARAL

[SEAL]

A. ARAUJO-JORGE

[SEAL]

R. J. ALFARO

[SEAL]

CARLOS L. LÓPEZ

[SEAL]

ELIGIO AYALA

[SEAL]

[SEAL]

MÁXIMO H. ZEPEDA

ADRIÁN RECINOS

J. LISANDRO MEDINA

[SEAL]

FERNANDO GONZÁLEZ ROA

[SEAL]

BENITO FLORES

CAYETANO OCHOA

[SEAL]

DAVID ROSALES, HIJO

A. MORALES

[SEAL]

G. A. DÍAZ

[SEAL]

ORESTES FERRARA

[SEAL]

GUSTAVO GUTIERREZ

[SEAL]

[SEAL]

FRANK B. KELLOGG

[SEAL]

CHARLES EVANS HUGHES

## GENERAL TREATY OF INTER-AMERICAN ARBITRATION

The Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Perú, Honduras, Guatemala, Haiti, Ecuador, Colombia, Brazil, Panamá, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America, represented at the Conference on Conciliation and Arbitration, assembled at Washington, pursuant to the resolution adopted on February 18, 1928, by the Sixth International Conference of American States held in the City of Habana;

In accordance with the solemn declarations made at said conference to the effect that the American Republics condemn war as an instrument of national policy and adopt obligatory arbitration as the means for the settlement of their international differences of a juridical character;

Being convinced that the Republics of the New World, governed by the principles, institutions and practices of democracy and bound furthermore by mutual interests, which are increasing each day, have not only the necessity but also the duty of avoiding the disturbance of continental harmony whenever differences which are susceptible of judicial decision arise among them;

Conscious of the great moral and material benefits which peace offers to humanity and that the sentiment and opinion of America demand, without delay, the organization of an arbitral system which shall strengthen the permanent reign of justice and law;

And animated by the purpose of giving conventional form to these postulates and aspirations with the minimum exceptions which they have considered indispensable to safeguard the independence and sovereignty of the states and in the most ample manner possible under present international

conditions, have resolved to effect the present treaty, and for that purpose have designated the plenipotentiaries hereinafter named:

[Here follow the names of the same plenipotentiaries as in the General Convention of Inter-American Conciliation, *supra*, p. 77.]

Who, after having deposited their full powers, found in good and due form by the conference, have agreed upon the following:

#### ARTICLE 1

The high contracting parties bind themselves to submit to arbitration all differences of an international character which have arisen or may arise between them by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy and which are juridical in their nature by reason of being susceptible of decision by the application of the principles of law.

There shall be considered as included among the questions of juridical character:

- (a) The interpretation of a treaty;
- (b) Any question of international law;
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) The nature and extent of the reparation to be made for the breach of an international obligation.

The provisions of this treaty shall not preclude any of the parties, before resorting to arbitration, from having recourse to procedures of investigation and conciliation established in conventions then in force between them.

#### ARTICLE 2

There are excepted from the stipulations of this treaty the following controversies:

- (a) Those which are within the domestic jurisdiction of any of the parties to the dispute and are not controlled by international law; and
- (b) Those which affect the interest or refer to the action of a state not a party to this treaty.

#### ARTICLE 3

The arbitrator or tribunal who shall decide the controversy shall be designated by agreement of the parties.

In the absence of an agreement the following procedure shall be adopted:

Each party shall nominate two arbitrators, of whom only one may be a national of said party or selected from the persons whom said party has designated as members of the Permanent Court of Arbitration at The Hague. The other member may be of any other American nationality. These

arbitrators shall in turn select a fifth arbitrator who shall be the president of the court.

Should the arbitrators be unable to reach an agreement among themselves for the selection of a fifth American arbitrator, or in lieu thereof, of another who is not, each party shall designate a non-American member of the Permanent Court of Arbitration at The Hague, and the two persons so designated shall select the fifth arbitrator, who may be of any nationality other than that of a party to the dispute.

#### ARTICLE 4

The parties to the dispute shall formulate by common accord, in each case, a special agreement which shall clearly define the particular subject-matter of the controversy, the seat of the court, the rules which will be observed in the proceedings, and the other conditions to which the parties may agree.

If an accord has not been reached with regard to the agreement within three months reckoned from the date of the installation of the court, the agreement shall be formulated by the court.

#### ARTICLE 5

In case of death, resignation or incapacity of one or more of the arbitrators the vacancy shall be filled in the same manner as the original appointment.

#### ARTICLE 6

When there are more than two states directly interested in the same controversy, and the interests of two or more of them are similar, the state or states who are on the same side of the question may increase the number of arbitrators on the court, provided that in all cases the parties on each side of the controversy shall appoint an equal number of arbitrators. There shall also be a presiding arbitrator selected in the same manner as that provided in the last paragraph of Article 3, the parties on each side of the controversy being regarded as a single party for the purpose of making the designation therein described.

#### ARTICLE 7

The award, duly pronounced and notified to the parties, settles the dispute definitively and without appeal.

Differences which arise with regard to its interpretation or execution shall be submitted to the decision of the court which rendered the award.

#### ARTICLE 8

The reservations made by one of the high contracting parties shall have the effect that the other contracting parties are not bound with respect to the party making the reservations except to the same extent as that expressed therein.

## ARTICLE 9

The present treaty shall be ratified by the high contracting parties in conformity with their respective constitutional procedures.

The original treaty and the instruments of ratification shall be deposited in the Department of State of the United States of America which shall give notice of the ratifications through diplomatic channels to the other signatory governments and the treaty shall enter into effect for the high contracting parties in the order that they deposit their ratifications.

This treaty shall remain in force indefinitely, but it may be denounced by means of one year's previous notice at the expiration of which it shall cease to be in force as regards the party denouncing the same, but shall remain in force as regards the other signatories. Notice of the denunciation shall be addressed to the Department of State of the United States of America which will transmit it for appropriate action to the other signatory governments.

Any American state not a signatory of this treaty may adhere to the same by transmitting the official instrument setting forth such adherence to the Department of State of the United States of America which will notify the other high contracting parties thereof in the manner heretofore mentioned.

In witness whereof the above mentioned plenipotentiaries have signed this treaty in English, Spanish, Portuguese, and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929.

[*Translation of Reservations*]

The delegation of Venezuela signs the present treaty of arbitration with the following reservations:

*First.* There shall be excepted from this Treaty those matters which, according to the constitution or the laws of Venezuela, are under the jurisdiction of its courts; and especially those matters relating to pecuniary claims of foreigners. In such matters arbitration shall not be resorted to except when legal remedies having been exhausted by the claimant it shall appear that there has been a denial of justice.

*Second.* There shall also be excepted those matters controlled by international agreements now in force.

CARLOS F. GRISANTI  
FR. ARROYO PAREJO

[SEAL]

[SEAL]

Chile does not accept obligatory arbitration for questions which have their origin in situations or acts antedating the present treaty nor does it accept obligatory arbitration for those questions which, being under the exclusive competency of the national jurisdiction, the interested parties claim the right to withdraw from the cognizance of the established judicial authorities, unless said authorities decline to pass judgment on any action or exception which any natural or juridical foreign person may present to them in the form established by the laws of the country.

MANUEL FOSTER  
A. PLANET

[SEAL]

[SEAL]

The delegation of Bolivia, in accordance with the doctrine and policy invariably maintained by Bolivia in the field of international jurisprudence, gives full adherence to and signs the General Treaty of Inter-American Arbitration which the Republics of America are to sanction, formulating the following express reservations:

*First.* There may be excepted from the provisions of the present agreement, questions arising from acts occurring or conventions concluded before the said treaty goes into effect, as well as those which, in conformity with international law, are under the exclusive jurisdiction of the state.

*Second.* It is also understood that, for the submission to arbitration of a territorial controversy or dispute, the zone to which the said arbitration is to apply must be previously determined in the arbitral agreement.

[SEAL]

E. DIEZ DE MEDINA

I vote in favor of the Treaty of Arbitration, with the reservation formulated by the delegation of Uruguay at the Fifth Pan American Conference, favoring broad arbitration; and with the understanding that arbitration will be resorted to only in case of denial of justice, when the national tribunals have jurisdiction, according to the legislation of their own country.

[SEAL]

JOSÉ PEDRO VARELA

#### Reservations of Costa Rica:

(a) The obligations contracted under this treaty do not annul, abrogate, or restrict the arbitration conventions which are now in force between Costa Rica and another or others of the high contracting parties and do not involve arbitration, disavowal, or renewed discussion of questions which may have already been settled by arbitral awards.

(b) The obligations contracted under this treaty do not involve the arbitration of judgments handed down by the courts of Costa Rica in civil cases which may be submitted to them and with regard to which the interested parties have recognized the jurisdiction of said courts.

MANUEL CASTRO QUESADO

[SEAL]

JOSÉ TIBLE-MACHADO

[SEAL]

HERNÁN VELARDE

[SEAL]

VICTOR M. MAÚRTUA

[SEAL]

The delegation of Honduras, in signing the present treaty, formulates an express reservation making it a matter of record that the provisions thereof shall not be applicable to pending international questions or controversies or to those which may arise in the future relative to acts prior to the date on which the said treaty goes into effect.

[SEAL]

RÓMULO E. DURÓN

[SEAL]

M. LÓPEZ PONCE

The delegation of Guatemala makes the following reservations:

1. In order to submit to arbitration any questions relating to the boundaries of the nation, the approval of the Legislative Assembly must first be given, in each case, in conformity with the constitution of the Republic.



2. The provisions of the present convention do not alter or modify the conventions and treaties previously entered into by the Republic of Guatemala.

[SEAL]

ADRIÁN RECINOS

[SEAL]

JOSÉ FALLA

A. BONAMY

[SEAL]

RAOUL LIZAIRE

[SEAL]

The delegation of Ecuador, pursuant to instructions of its government, reserves from the jurisdiction of the obligatory arbitration agreed upon in the present treaty:

1. Questions at present governed by conventions or treaties now in effect;
2. Those which may arise from previous causes or may result from acts preceding the signature of this treaty;
3. Pecuniary claims of foreigners who may not have previously exhausted all legal remedies before the courts of justice of the country, it being understood that such is the interpretation and the extent of the application which the Government of Ecuador has always given to the Buenos Aires Convention of August 11, 1910.

GONZALO ZALDUMBIDE

[SEAL]

The delegation of Colombia signs the foregoing convention with the following two declarations or reservations:

*First.* The obligations which the Republic of Colombia may contract thereby refer to the differences which may arise from acts subsequent to the ratification of the convention;

*Second.* Except in the case of a denial of justice, the arbitration provided for in this convention is not applicable to the questions which may have arisen or which may arise between a citizen, an association or a corporation of one of the parties and the other contracting state when the judges or courts of the latter state are, in accordance with its legislation, competent to settle the controversy.

[SEAL]

ENRIQUE OLAYA HERRERA

[SEAL]

C. ESCALLÓN

[SEAL]

S. GURGEL DO AMARAL

[SEAL]

A. ARAUJO-JORGE

R. J. ALFARO

[SEAL]

CARLOS L. LÓPEZ

[SEAL]

Reservation of the delegation of Paraguay:

I sign this treaty with the reservation that Paraguay excludes from its application questions which directly or indirectly affect the integrity of the national territory and are not merely questions of frontiers or boundaries.

ELIGIO AYALA

[SEAL]

MÁXIMO H. ZEPEDA

ADRIÁN RECINOS

[SEAL]

J. LISANDRO MEDINA

## Mexican reservation:

Mexico makes the reservation that differences, which fall under the jurisdiction of the courts, shall not form a subject of the procedure provided for by the convention, except in case of denial of justice, and until after the judgment passed by the competent national authority has been placed in the class of *res judicata*.

[SEAL]

FERNANDO GONZÁLEZ ROA  
BENITO FLORES

The delegation of El Salvador to the Conference on Conciliation and Arbitration assembled in Washington accepts and signs the General Treaty of Inter-American Arbitration concluded this day by said conference, with the following reservations or restrictions:

1. After the words of paragraph 1 of Article 1 reading: "under treaty or otherwise," the following words are to be added: "subsequent to the present convention." The article continues without any other modification.

2. Paragraph (a) of Article 2 is accepted by the delegation without the final words which read: "and are not controlled by international law," which should be considered as eliminated.

3. This treaty does not include controversies or differences with regard to points or questions which, according to the political constitution of El Salvador, must not be submitted to arbitration, and

4. Pecuniary claims against the nation shall be decided by its judges and courts, since they have jurisdiction thereof, and recourse shall be had to international arbitration only in the cases provided in the constitution and laws of El Salvador, that is in cases of denial of justice or unusual delay in the administration thereof.

[SEAL]

DAVID ROSALES, HIJO  
CAYETANO OCHOA

[SEAL]

The Dominican Republic, in signing the General Treaty of Inter-American Arbitration, does so with the understanding that controversies relating to questions which are under the jurisdiction of its courts shall not be referred to arbitral jurisdiction except in accordance with the principles of international law.

A. MORALES

[SEAL]

G. A. DÍAZ

[SEAL]

ORESTES FERRARA

[SEAL]

GUSTAVO GUTIÉRREZ

[SEAL]

FRANK B. KELLOGG

[SEAL]

CHARLES EVANS HUGHES

[SEAL]

## PROTOCOL OF PROGRESSIVE ARBITRATION

Whereas, a General Treaty of Inter-American Arbitration has this day been signed at Washington by plenipotentiaries of the Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Peru, Honduras, Guate-

mala, Haiti, Ecuador, Colombia, Brazil, Panama, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America;

Whereas, that treaty by its terms excepts certain controversies from the stipulations thereof;

Whereas, by means of reservations attached to the treaty at the time of signing, ratifying or adhering, certain other controversies have been or may be also excepted from the stipulations of the treaty or reserved from the operation thereof;

Whereas, it is deemed desirable to establish a procedure whereby such exceptions or reservations may from time to time be abandoned in whole or in part by the parties to said treaty, thus progressively extending the field of arbitration;

The governments named above have agreed as follows:

#### ARTICLE 1

Any party to the General Treaty of Inter-American Arbitration signed at Washington the fifth day of January, 1929, may at any time deposit with the Department of State of the United States of America an appropriate instrument evidencing that it has abandoned in whole or in part the exceptions from arbitration stipulated in the said treaty or the reservation or reservations attached by it thereto.

#### ARTICLE 2

A certified copy of each instrument deposited with the Department of State of the United States of America pursuant to the provisions of Article 1 of this protocol shall be transmitted by the said Department through diplomatic channels to every other party to the above-mentioned General Treaty of Inter-American Arbitration.

In witness whereof the above-mentioned plenipotentiaries have signed this protocol in English, Spanish, Portuguese, and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929.

[Here follow the signatures and seals of the same plenipotentiaries who signed the General Treaty of Inter-American Arbitration, *supra*, p. 81.]

#### FINAL ACT

The Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Peru, Honduras, Guatemala, Haiti, Ecuador, Colombia, Brazil, Panama, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America, represented at the Conference on Conciliation and Arbitration, assembled at Washington, pursuant to the resolution adopted on February 18, 1928, by the Sixth International Conference of

American States held in the City of Habana, designated the plenipotentiaries hereinafter named:

[Here follow the names of the same plenipotentiaries as in the General Convention of Inter-American Conciliation, *supra*, p. 77.]

Who, after having deposited their full powers, found in good and due form by the conference, have agreed upon the following:

#### FIRST RESOLUTION

(December 10, 1928)

##### *Organization of the Conference*

Resolved, that the following be adopted as the order of business for the first session:

1. The election of the Chairman.
2. The election of the Vice Chairman.
3. The election of the Secretary General.
4. The appointment, by the Chairman, of a Committee on Credentials.
5. The determination, by lot, of the order of precedence of the several delegations.
6. In view of the fact that the resolution of the Sixth International Conference of American States at Habana provided for the calling of a Conference on Conciliation and Arbitration, that the conference be divided into two committees, one on conciliation and one on arbitration.
7. The adoption of the regulations which shall govern its future procedure.

#### SECOND RESOLUTION

(December 10, 1928)

##### *Election of Chairman of the Conference*

Resolved that:

The Honorable Frank Billings Kellogg, Secretary of State of the United States of America, be Chairman of the International Conference of American States on Conciliation and Arbitration.

#### THIRD RESOLUTION

(December 10, 1928)

##### *Designation of Vice Chairman of the Conference*

Resolved, that the following method of designating the Vice Chairman of the conference be followed:

Each delegation shall designate a representative as Vice Chairman of the conference, in order that when the opportunity presents itself he may take the chair in turn in accordance with the order of precedence of his delegation.

Each delegation shall advise the Secretary General of the conference of the name of its representative thus selected.

#### FOURTH RESOLUTION

(December 10, 1928)

##### *Election of the Secretary General of the Conference*

Resolved that:

Mr. Cord Meyer, Temporary Secretary General, be Secretary General of the International Conference of American States on Conciliation and Arbitration.

#### FIFTH RESOLUTION

(December 10, 1928)

##### *Rules for the International Conference of American States on Conciliation and Arbitration*

Resolved that the following be the rules for the conference:

#### Article 1

The duties of the Chairman shall be:

(1) To preside at the meetings of the conference and to submit for discussion in their regular order the subjects contained in the order of the day.

(2) To direct that each subject submitted to the conference be referred to the proper committee.

(3) To concede the floor to the delegates in the order in which they may have requested it.

(4) To decide all questions of order raised during the debates of the conference. Nevertheless, if any delegate shall so request, the ruling made by the chair shall be submitted to the conference for decision.

(5) To call for votes and to announce the result of the vote to the conference, as provided for by Article 8.

(6) To call meetings of the conference.

(7) To direct the Secretary General, after the approval of the minutes, to lay before the conference such matters as may have been presented since the last meeting.

(8) To prescribe all necessary measures for the maintenance of order and the strict compliance with the regulations.

#### Article 2

The duties of the Vice Chairman are:

Whenever occasion arises, to perform the duties of presiding officer in accordance with Article 1.

## Article 3

The duties of the Secretary General are:

(1) To have under his charge all the secretaries, interpreters and other employees which the Government of the United States of America may appoint for service with the conference and to organize their respective duties.

(2) To receive, distribute and answer the official correspondence of the conference, in conformity with the resolutions of that body.

(3) To prepare, or cause to be prepared, the minutes of the meeting in conformity with the notes the secretaries shall furnish him, and to see that such minutes are printed and distributed among the delegates.

(4) To revise the translations made by the interpreters of the conference.

(5) To distribute among the committees the matters to be reported by them and to place at the disposal of said committees everything that may be necessary for the discharge of their duties.

(6) To prepare the order of the day in conformity with the instructions of the Chairman.

(7) To be the intermediary between the delegations or their respective members in all matters relating to the conference and between the delegates and the authorities of the United States of America.

(8) To transmit the minutes and conclusions of the conference to such officials as may be directed by the President of the conference.

## Article 4

The first meeting of each committee shall be held at the call of the Chairman of the conference.

Each committee will elect from among its members a chairman and vice chairman.

The chairman of each committee shall appoint a reporting delegate to present general conclusions, and, if it be deemed desirable, one or more special reporting delegates to explain the different phases of the question under consideration and the report of the committees.

A report having been adopted by the majority of the committee, the chairman of the committee shall designate a reporting delegate to draw up the report in final form for the approval of the committee and presentation to the conference. The chairman of the committee may be designated as reporting delegate, and in any case he shall assist the reporting delegate during the discussion in the plenary session.

The minority group of a committee shall have the right to designate a reporting delegate to present its views to the conference.

The members of each principal committee shall consist of a representative or representatives of each country attending the conference but each delegation shall have but one vote.



## Article 5

To hold a plenary session it is necessary that a majority of the nations attending the conference be represented by at least one of their delegates.

## Article 6

At the opening of the meeting the Secretary shall read the minutes of the preceding meeting, unless dispensed with. Notes shall be taken of any remarks the Chairman or any of the delegates may make thereon, and approval of the minutes shall be in order.

## Article 7

The order of the day will be limited to the consideration of the reports of conference committees. When the Chairman shall have submitted for discussion the subjects contained in the order of the day, the conference, taking up one by one the articles contained in the project under discussion, shall approve or refer said articles back to the interested committee.

## Article 8

The delegation of each Republic represented at the conference shall have but one vote, and the votes shall be taken separately by countries and shall be recorded in the minutes.

Votes as a general rule shall be taken orally, unless any delegate should request that they be taken in writing. In this case each delegation shall deposit in an urn a ballot containing the name of the nation which it represents and the sense in which the vote is cast. The Secretary shall read aloud these ballots and count the votes.

## Article 9

The conference shall not proceed to vote on any resolution or motion relating to any of the subjects included in the program except when a majority of the nations attending the conference are represented by one or more delegates.

## Article 10

Except in cases expressly indicated in these regulations, resolutions or motions under consideration by the conference are approved when they have obtained the affirmative vote of an absolute majority of the delegations represented by one or more of its members at the meeting where the vote is taken. The delegation which may have sent its vote to the Secretary shall be considered as present and represented at the meeting.

## Article 11

When by reason of absence or abstention the vote of the conference should not attain the majority as required by the two foregoing articles, the matter

shall be submitted for further consideration at a subsequent meeting on motion of any delegation. But should such abstention continue at this meeting further consideration of the question shall then be postponed.

#### Article 12

Delegates may speak in their own language, from manuscript or otherwise, and upon the termination of any speech either the delegate or one of the interpreters of the conference shall, upon request of any one delegation, at once render orally a synopsis or translation of the speech in the language or languages that such delegation may request. This shall also apply to the remarks of the Chairman and of the Secretary General.

#### Article 13

No delegation may, through any of its members, speak more than twice on the same subject, nor shall any delegation occupy the floor for more than thirty minutes at a time. Any delegate, however, shall have the right to speak for no more than five minutes upon a question of order or to answer any personal allusions or to explain his vote, and the author of a motion may speak once more, not exceeding thirty minutes.

#### Article 14

Attendance at all sessions of the conference and principal committee meetings shall be open unless the conference or committee decides otherwise.

#### Article 15

The reports of the committees and the resolutions to which they refer shall be printed in English, Spanish, Portuguese, and French, and shall be distributed before the next following meeting to the delegates for their consideration, but shall not be submitted for discussion until the next meeting after they were distributed in print, at least in Spanish and English.

#### Article 16

The deliberations of the conference shall be confined to the subjects contained in the invitation to the conference.

#### Article 17

The closing session of the conference shall be devoted to the signing of those treaties, conventions, agreements, votes, resolutions and recommendations which have previously been approved by the conference. The original of the final act shall be signed by the delegations, and the Government of the United States of America shall send within ninety days after the actual adjournment of the conference a certified copy of the agreements to each of the governments represented at the conference and to the Pan American Union.

## SIXTH RESOLUTION

(December 10, 1928)

*Conciliation of Bolivia and Paraguay*

The Conference of American States on Conciliation and Arbitration, assembled at Washington for the purpose of organizing the procedure for the pacific solution of their international differences,

Unanimously resolves:

1. To express to the Governments of the sister Republics of Bolivia and Paraguay the keen aspiration and hope which it fosters that their present differences shall be adjusted peacefully in a spirit of justice, concord and fraternity;

2. To convey in a cordial and respectful manner to the aforementioned governments, in conformity with the tradition of this continent and with the practices which have become general in modern international law, that nations under circumstances such as the present have at their disposal adequate and effective organs and means to find solutions which harmonize the preservation of peace with the right of the States;

3. To transmit this resolution by telegraph to the Governments of Bolivia and Paraguay;

4. To form a committee charged with the duty of advising the conference upon the conciliatory action which, if necessary, it might render by coöperating with the instrumentalities now employed in the friendly solution of the problem.

## DECLARATION

(December 10, 1928)

*Declaration by the Delegation of Mexico*

The Mexican delegation views with profound regret the absence from among us of the representatives of the Argentine Republic, and expresses the hope that if, as is to be believed, our consequent deliberations prove advantageous to the peoples of this hemisphere and to the human race, the Argentine Republic, in accordance with the liberal traditions of its governments and the glorious antecedents of its diplomatic history, will lend its support to what may be agreed upon here in favor of the peace of the world.

## SEVENTH RESOLUTION

(December 14, 1928)

*Report of the Special Committee*

The committee charged with reporting to the conference on the conciliatory action that may be appropriate with respect to the incident between the Republics of Bolivia and Paraguay, after being informed of the replies received from both nations to the cable message sent by the Chairman of

this Conference on Conciliation and Arbitration, considers that the conference in plenary session is called upon to decide upon the course which should be followed.

Nevertheless, the committee deems it to be its duty to suggest to the conference a concrete proposal to the end that the principles of conciliation and arbitration in support of which it was convened may find their most sincere and friendliest application in the present case.

In accordance with American tradition, in general, as shown by the antecedents, expressions of hope and Pan American resolutions, and also in conformity with the measures adopted during recent years for the maintenance of peace, the conference may take a prudent and effective course with the added assurance of general approval for its endeavor.

The friendly proceedings of an assembly of sister Republics must find favorable echo and most sympathetic reception, especially in the spirit of the nations directly interested in the incident. Those proceedings show the degree of solidarity and affection by which the other countries of the hemisphere feel bound to them.

Animated by these sentiments, and without assuming any political attitude beyond the appropriate purposes of this conference, the committee proposes to this assembly that the conference proffer its good offices to the interested parties for the purpose of promoting suitable conciliatory measures with the aim of preserving the principle of conciliation and arbitration as a solid foundation of international life.

The conference therefore resolves:

1. To proffer its good offices to the interested parties for the purpose of promoting suitable conciliatory measures with the aim of preserving the principle of conciliation and arbitration as a solid foundation of international life.
2. To continue the special committee charged with considering and reporting to the conference on the developments which may occur in the incident between the Republics of Bolivia and Paraguay.

#### EIGHTH RESOLUTION

(December 14, 1928)

*Conferring honorary membership in the Conference upon Dr. Leo S. Rowe and Dr. E. Gil Borges*

Resolved:

That, in consideration of the eminent services which have been rendered and are being rendered in connection with the labors of the Conference on Conciliation and Arbitration by Messrs. Leo S. Rowe and E. Gil Borges, Director General and Assistant Director of the Pan American Union, they be appointed honorary members of this conference.

## NINTH RESOLUTION

(January 4, 1929)

*Proposal of the Special Committee*

Whereas: A protocol was signed yesterday, January 3, 1929, by the Republics of Bolivia and Paraguay, creating a commission on conciliation which shall take up, under the terms provided therein, the situation which has brought about the breach in the diplomatic relations between the two Republics;

The Conference on Conciliation and Arbitration resolves:

To state its full satisfaction because its good offices were accepted, by virtue of which the signature of the aforementioned protocol has been achieved.

To send a warm salutation to the sister republics of Paraguay and Bolivia, and sincere congratulations to the two governments.

To express the desire that the commission on conciliation, created by the protocol signed yesterday by the representatives of Bolivia and Paraguay, commence its undertaking as soon as possible, and,

To bring to an end the work of the special committee and of the conference as to this part of its labor which has met with such signal success.

## VOTE

(January 4, 1929)

*Motion of the Delegate of Panama*

After having heard the interesting report rendered by the honorable delegate of Cuba relative to the Bolivian-Paraguayan controversy, which, fortunately, is now in the path of conciliation, I consider it a duty of justice on the part of the conference to tender a vote of thanks to the committee which has acted as a conciliatory agency in the conflict between Bolivia and Paraguay, for the efficient and noble manner in which that committee has discharged its duty.

In witness whereof the above mentioned plenipotentiaries have signed this Final Act in English, Spanish, Portuguese and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929

CARLOS F. GRISANTI

FR. ARROYO PAREJO

MANUEL FOSTER

A. PLANET

E. DIEZ DE MEDINA

JOSÉ PEDRO VARELA

MANUEL CASTRO QUESADA

JOSÉ TIBLE-MACHADO

S. GURGEL DO AMARAL

A. ARAUJO-JORGE

R. J. ALFARO

CARLOS L. LÓPEZ

ELIGIO AYALA

MÁXIMO H. ZEPEDA

ADRIÁN RECINOS

J. LISANDRO MEDINA

HERNÁN VELARDE	FERNANDO GONZÁLEZ ROA
VICTOR M. MAÚRTUA	BENITO FLORES
RÓMULO E. DURÓN	CAYETANO OCHOA
M. LÓPEZ PONCE	DAVID ROSALES, HIJO
ADRIÁN RECINOS	A. MORALES
JOSÉ FALLA	G. A. DÍAZ
A. BONAMY	ORESTES FERRARA
RAOUL LIZAIRE	GUSTAVO GUTIÉRREZ
GONZALO ZALDUMBIDE	FRANK B. KELLOGG
ENRIQUE OLAYA HERRERA	CHARLES EVANS HUGHES
C. ESCALLÓN	

## PROTOCOL

His excellency, Mr. Frank B. Kellogg, Chairman of the International Conference of American States on Conciliation and Arbitration, his excellency, Mr. Eduardo Díez de Medina, envoy extraordinary and minister plenipotentiary of Bolivia, and Hon. Dr. Juan Vicente Ramírez, chargé d'affaires of Paraguay, having met at the Pan American Union Building, the chairman stated that, being animated by a spirit of peace, of harmony, and of American brotherhood, the conference has offered its good offices to the Governments of the Republics of Bolivia and Paraguay, who, being animated by the same spirit, have accepted the same.

The two representatives of Bolivia and Paraguay, in accord with their respective governments, deem it desirable that a commission of investigation and conciliation establish the facts which have caused the recent conflicts which have unfortunately occurred.

The representative of Bolivia states that the commission of investigation should ascertain how it happened that, notwithstanding the pacific relations existing between Bolivia and Paraguay and in spite of the agreement signed at Buenos Aires on July 12, 1928, whereby both countries obligated themselves to settle their territorial differences by pacific means, Paraguay, in violation of those obligations, without previous declaration of hostilities, and in an unfounded and violent manner ordered that the Bolivian outpost "Vanguardia" be attacked and razed by regular forces of the Paraguayan Army on the 5th of the past month of December.

The representative of Paraguay denies that his country has committed any aggression whatever and affirms that Paraguay has always maintained itself within juridical standards and the loyal fulfillment of pacts in force. He adds that it was Bolivia that committed acts of provocation and of aggression by penetrating with its armed forces into the territory possessed by Paraguay, not only in the case of the "Vanguardia" outpost, in which said forces were the first to open fire upon the Paraguayan troops, but that, before that time, it made several incursions in said territory, establishing



new outposts. That after the events which took place at the "Vanguardia" outpost forces of the Bolivian regular army invaded the territory possessed by Paraguay, attacking outposts and bombarding Paraguayan positions. That the commission should fully investigate all these facts and the legal antecedents in order to establish upon which country the responsibility falls and which of them is bound to make the proper reparations.

Therefore, the Governments of Bolivia and Paraguay agree upon the following stipulations:

*First.* To organize a commission of investigation and conciliation which shall be composed as follows:

(a) Two delegates each from the Governments of Bolivia and Paraguay, and

(b) One delegate appointed by the Governments of each of the following five American Republics: United States of America, Mexico, Colombia, Uruguay and Cuba.

All of the said delegates, once they have entered upon the discharge of their duties, shall remain in office until the procedure contemplated in this protocol is carried out, except in the case of proven illness. In case of said illness or because of any other reason of *force majeure*, the incapacitated delegate shall be replaced, as soon as possible, by the government of his nation.

*Second.* The commission of investigation and conciliation shall undertake to investigate, by hearing both sides, what has taken place, taking into consideration the allegations set forth by both parties, and determining in the end, which of the parties has brought about a change in the peaceful relations between the two countries.

*Third.* The commission shall fulfill its mission within the period of six months from the date of its organization.

*Fourth.* The procedure of the investigation shall be that agreed upon by the commission itself.

*Fifth.* Once the investigation has been carried out, the commission shall submit proposals and shall endeavor to settle the incident amicably under conditions which will satisfy both parties.

If this should not be possible, the commission shall render its report setting forth the result of its investigation and the efforts made to settle the incident.

*Sixth.* The commission is empowered, in case it should not be able to effect conciliation, to establish both the truth of the matter investigated and the responsibilities which, in accordance with international law, may appear as a result of its investigation.

*Seventh.* The commission shall begin its labors in Washington.

*Eighth.* The Governments of Bolivia and Paraguay bind themselves to suspend all hostilities and to stop all concentration of troops at the points of contact of the military outposts of both countries, until the commission

renders its findings; the commission of investigation and conciliation shall be empowered to advise the parties concerning measures designed to prevent a recurrence of hostilities.

*Ninth.* It is understood that the procedure contained in this protocol does not include nor affect the territorial question, as contended by Bolivia, and the boundaries, as contended by Paraguay, which exists between both countries, nor does it include or affect the agreements in force between them.

*Tenth.* The high contracting parties reiterate their firm purpose of having said controversy settled, in any event, by juridical means and in perfect peace and friendship between the two countries.

The present protocol shall remain deposited in the archives of the Government of the United States of America.

In witness whereof the above-mentioned representatives of Bolivia and Paraguay have signed this protocol.

Done at the City of Washington this third day of January, one thousand nine hundred and twenty-nine.

EDUARDO DíEZ DE MEDINA  
JUAN VICENTE RAMÍREZ

TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN THE  
UNITED STATES AND LATVIA<sup>1</sup>

*Signed at Riga April 20, 1928; ratifications exchanged July 25, 1928.*

The United States of America and the Republic of Latvia, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America: Frederick W. B. Coleman, Envoy Extraordinary and Minister Plenipotentiary,  
and

The President of the Republic of Latvia: Antons Balodis, Minister of Foreign Affairs,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the high contracting parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in scientific, religious, philanthropic and commercial work of every kind without interference,

<sup>1</sup> U. S. Treaty Series, No. 765.

to carry on every form of commercial activity which is not forbidden by the local law; to engage in every trade, vocation, manufacturing industry and profession, not reserved exclusively to nationals of the country; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either high contracting party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each high contracting party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each high contracting party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this treaty shall be construed to affect existing statutes of either of the high contracting parties in relation to the immigration, admission or sojourn of aliens or the right of either of the high contracting parties to enact such statutes.

#### ARTICLE II

With respect to that form of protection granted by national, state or provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the high contracting parties and within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

#### ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the high contracting parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of, any such buildings and premises,

or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

#### ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one high contracting party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other high contracting party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same which term may be reasonably prolonged if circumstances render it necessary and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either high contracting party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the high contracting party within whose territories such property may be or belong shall be liable to pay in like cases.

#### ARTICLE V

The nationals of each of the high contracting parties in the exercise of the rights of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public order or public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

#### ARTICLE VI

In the event of war between either high contracting party and a third state, such party may draft for compulsory military service nationals of the

other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent party within sixty days after a declaration of war.

#### ARTICLE VII

Between the territories of the high contracting parties there shall be freedom of commerce and navigation. The nationals of each of the high contracting parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

Each of the high contracting parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce, or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce, or manufacture of any other foreign country.

Each of the high contracting parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other high contracting party than are imposed on goods exported to any other foreign country.

Nothing in this treaty shall be construed to restrict the right of either high contracting party to impose, on such terms as it may see fit, prohibitions or restrictions relating to national defense, public security and public order; prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life; regulations for the enforcement of police or revenue laws.

Any advantage of whatsoever kind which either high contracting party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article, the growth, produce, or manufacture of the other high contracting party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Latvian vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Latvia or are or may be legally exported therefrom in Latvian vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Latvian vessels.



In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the high contracting parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two high contracting parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, and regardless of whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third state shall simultaneously and unconditionally, without request and without compensation, be extended to the other high contracting party, for the benefit of itself, its nationals and vessels.

#### ARTICLE VIII

The stipulations of Article VII of this treaty shall not extend

- (a) To the treatment which either high contracting party shall accord to purely border traffic within a zone not exceeding ten miles/15 kilometers/wide on either side of its customs frontier;
- (b) To the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the commercial convention concluded by the United States and Cuba on December 11th, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws;
- (c) To the customs preferences or other facilities of whatever nature which are or may be granted by Latvia in favor of Estonia, Finland, Lithuania or Russia and/or to the special privileges resulting to States in customs or economic union with Latvia so long as such preferences, facilities or special privileges are not accorded to any other state.

#### ARTICLE IX

The nationals and merchandise of each high contracting party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.



## ARTICLE X

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

## ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other high contracting party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

## ARTICLE XII

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other high contracting party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade and the towing service of the United States and the Republic of Latvia are exempt from the provisions of this article and from the other provisions of this treaty, and are to be regulated according to the laws of the United States and the Republic of Latvia, respectively, in relation thereto. It is agreed, however, that the nationals of either high contracting party shall within the territories of the other enjoy with respect to the coasting trade and the towing service the most favored nation treatment.

The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to special privileges reserved by either high contracting party for the fishing industry and for the national ship-building industry.

## ARTICLE XIII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, national, state or provincial, of either

high contracting party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other high contracting party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either high contracting party so recognized by the other to establish themselves within its territories, establish branch offices and fulfil their functions therein shall depend upon, and be governed solely by, the consent of such party as expressed in its national, state or provincial laws and regulations.

#### ARTICLE XIV

The nationals of either high contracting party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either high contracting party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, national, state or provincial, which are in force or may hereafter be established within the territories of the party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either high contracting party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other state with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

#### ARTICLE XV

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either high contracting party shall on their

entry into and sojourn in the territories of the other party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either high contracting party require the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination, shall be accepted as satisfactory.

#### ARTICLE XVI

There shall be complete freedom of transit through the territories including territorial waters of each high contracting party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from, going to or passing through the territories of the other high contracting party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law or regulations. The measures of a general or particular character which either of the high contracting parties is obliged to take in case of an emergency affecting the safety of the state or the vital interests of the country may in exceptional cases and for as short a period as possible involve a deviation from the provisions of this paragraph; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities or any other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

#### ARTICLE XVII

Each of the high contracting parties agrees to receive from the other consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the high contracting parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The government of each of the high contracting parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his government, or by any other competent officer of that government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this treaty.

#### ARTICLE XVIII

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

#### ARTICLE XIX

Consular officers, including employees in a consulate, nationals of the state by which they are appointed other than those engaged in private occupations for gain within the state where they exercise their functions shall be exempt from all taxes, national, state, provincial and municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the state within which they exercise their functions. All consular officers and employees, nationals of the state appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either high contracting party, of which the other high contracting party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE XX

Consular officers may place over the outer door of their respective offices the arms of their state with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the state where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

#### ARTICLE XXI

Consular officers, nationals of the state by which they are appointed, may, within their respective consular districts, address the authorities, national, state, provincial or municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

#### ARTICLE XXII

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of,



or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the state by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the state by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the state within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the high contracting parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

#### ARTICLE XXIII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the state by which the consular officer has been appointed and within the territorial waters of the state to which he has been appointed constitutes a crime according to the laws of that state, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the state to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under



the flag of his country before the judicial authorities of the state to which he is appointed to render assistance as an interpreter or agent.

#### ARTICLE XXIV

In case of the death of a national of either high contracting party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the state of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the high contracting parties without will or testament, in the territory of the other high contracting party, the consular officer of the state of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

#### ARTICLE XXV

A consular officer of either high contracting party may in behalf of his non-resident countryman receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

#### ARTICLE XXVI

A consular officer of either high contracting party shall have the right to inspect within the ports of the other high contracting party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his government concerning the

extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

#### ARTICLE XXVII

Each of the high contracting parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the high contracting parties, may be brought into its territories. Personal property imported by consular officers, their families or suites during the incumbency of the officers in office shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

It is understood, however, that the privileges of this article shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

#### ARTICLE XXVIII

All proceedings relative to the salvage of vessels of either high contracting party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

#### ARTICLE XXIX

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the high contracting parties to which the provisions of this treaty extend shall be understood to comprise all

areas of land, water, and air over which the parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

#### ARTICLE XXX

Except as provided in the third paragraph of this article the present treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither high contracting party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this treaty or of terminating it upon the expiration of the aforesaid period, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the high contracting parties shall have notified to the other an intention of modifying or terminating the treaty.

The sixth and seventh paragraphs of Article VII and Articles X and XII shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days' previous notice shall remain in force until either of the high contracting parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the treaty.

#### ARTICLE XXXI

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Riga as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals hereto.

Done in duplicate, at Riga, this 20th day of April, 1928.

[SEAL] F. W. B. COLEMAN  
[SEAL] A. BALODIS

#### PROTOCOL

##### *Accompanying Treaty of Friendship, Commerce and Consular Rights*

At the moment of signing the Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Latvia, the undersigned plenipotentiaries, duly authorized by their respective governments, have agreed as follows:

1. The provisions of Article XVI do not prevent the high contracting parties from levying on traffic in transit dues intended solely to defray expenses of supervision and administration entailed by such transit, the

rate of which shall correspond as nearly as possible with the expenses which such dues are intended to cover and shall not be higher than the rates charged on other traffic of the same class on the same routes.

2. Wherever the term "consular officer" is used in this treaty it shall be understood to mean consuls general, consuls, vice consuls and consular agents to whom an exequatur or other document of recognition has been issued pursuant to the provisions of paragraph 3 of Article XVII.

3. In addition to consular officers, attachés, chancellors and secretaries, the number of employees to whom the privileges authorized by Article XIX shall be accorded shall not exceed five at any one post.

In witness whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate, at Riga, this 20th day of April, 1928.

[SEAL] F. W. B. COLEMAN

[SEAL] A. BALODIS

AN ACT TO SUPPLEMENT THE NATURALIZATION LAWS, AND FOR OTHER PURPOSES.<sup>1</sup>

[Public No. 962, 70th Congress]

*Approved March 2, 1929*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the registry of aliens at ports of entry required by section 1 of the Act of June 29, 1906 (Thirty-fourth Statutes at Large, part 1, page 596),<sup>2</sup> as amended, may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner General of Immigration, in accordance with regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, that he—

- (1) Entered the United States prior to June 3, 1921;
- (2) Has resided in the United States continuously since such entry;
- (3) Is a person of good moral character; and
- (4) Is not subject to deportation.

(b) For each such record of registry made as herein authorized the alien shall pay to the Commissioner General of Immigration a fee of \$20. All fees collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(c) The provisions of section 76 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, shall apply in respect of the record of registry authorized by this

<sup>1</sup> H. R. 349.

<sup>2</sup> Printed in Supplement to this JOURNAL, Vol. 1, pp. 31-47.

section in the same manner and to the same extent, including penalties, as they apply in respect of the oaths, notices, affidavits, certificates, orders, records, signatures, and other instruments, papers, or proceedings specified in such section 76.

SEC. 2. Upon the making of a record of registry as authorized by section 1 of this Act, the certificates of arrival required by the fourth paragraph of the second subdivision of section 4 of such Act of June 29, 1906, as amended, may be issued upon application to the Commissioner of Naturalization, in accordance with regulations prescribed by the Commissioner of Naturalization, with the approval of the Secretary of Labor, and upon payment of the fee prescribed by section 5 of this Act.

SEC. 3. For the purposes of the immigration laws and the naturalization laws an alien, in respect of whom a record of registry has been made as authorized by section 1 of this Act, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of his entry.

SEC. 4. No declaration of intention shall be made by any alien under such Act of June 29, 1906, as amended, or, if made, be valid, until the lawful entry for permanent residence of such alien shall have been established, and a certificate showing the date, place, and manner of his arrival shall have been issued.

SEC. 5. For any certificate of arrival issued for naturalization purposes a fee of \$5 shall be paid to the Commissioner of Naturalization, which fee shall be paid over to and deposited in the Treasury in the same manner as other naturalization fees.

SEC. 6. (a) The third paragraph of the second subdivision of section 4 of such Act of June 29, 1906, as amended, is amended to read as follows:

"As to each period of residence at any place in the county where the petitioner resides at the time of filing his petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character."

(b) The fourth subdivision of section 4 of such Act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. No alien shall be admitted to citizenship unless (1) immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county where the petitioner resided at the time of filing his petition for at least six months, (2) he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship, and (3) during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United



States. At the hearing of the petition, residence in the county where the petitioner resides at the time of filing his petition, and the other qualifications required by this subdivision during such residence, shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by this Act to be included in the petition. If the petitioner has resided in two or more places in such county and for this reason two witnesses cannot be procured to testify as to all such residence, it may be proved by the oral testimony of two such witnesses for each such place of residence, in addition to the affidavits required by this Act to be included in the petition. At the hearing, residence within the United States but outside the county, and the other qualifications required by this subdivision during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence.

"If an individual returns to the country of his allegiance and remains therein for a continuous period of more than six months and less than one year during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship, the continuity of such residence shall be presumed to be broken, but such presumption may be overcome by the presentation of satisfactory evidence that such individual had a reasonable cause for not returning to the United States prior to the expiration of such six months. Absence from the United States for a continuous period of one year or more during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship shall break the continuity of such residence."

(c) So much of the seventh subdivision of section 4 of such Act of June 29, 1906, as amended, as reads "or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden" is amended to read as follows: "or for three years on board vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels."

(d) So much of such subdivision as reads "without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence cannot be established" is amended to read as follows: "and may be naturalized without complying with the requirements of residence within the United States and within the county."

(e) Section 10 of such Act of June 29, 1906, as amended, and section 2170 of the Revised Statutes, are repealed.

SEC. 7. (a) The second and third paragraphs of section 13 of such Act of June 29, 1906, as amended, are amended to read as follows:



"(1) For receiving and filing a declaration of intention and issuing a duplicate thereof, \$5;

"(2) For making, filing, and docketing a petition for citizenship, and issuing a certificate of citizenship if the issuance of such certificate is authorized by the court, and for the final hearing on the petition, \$10."

(b) Notwithstanding the provisions of section 9 of the Act entitled "An Act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," approved February 26, 1919, as amended, all fees received by the clerks of court to which such section applies for services rendered in naturalization proceedings shall be paid over to the Bureau of Naturalization within thirty days from the close of each quarter in each fiscal year and the moneys so received shall be disposed of in the same manner as provided in section 13 of such Act of June 29, 1906, as amended.

SEC. 8. The first sentence of section 28 of such Act of June 29, 1906, as amended, is amended to read as follows:

"The Commissioner of Naturalization, with the approval of the Secretary of Labor, shall make such rules and regulations and such changes in the forms prescribed by section 27 of this Act as may be necessary to carry into effect the provisions of the naturalization laws."

SEC. 9. Such Act of June 29, 1906, as amended, is amended by adding at the end thereof the following:

"SEC. 32. (a) If any certificate of citizenship issued to any citizen, or any declaration of intention furnished to any declarant, under the naturalization laws, is lost, mutilated, or destroyed, the citizen or declarant may, upon the payment to the commissioner of a fee of \$10, make application (accompanied by two photographs of the applicant) to the Commissioner of Naturalization for a new certificate or declaration. If the commissioner finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration with one of such photographs of the applicant affixed thereto.

"(b) Upon payment to the Commissioner of Naturalization of a fee of \$10, the commissioner shall issue, for any naturalized citizen, a special certificate of citizenship, with a photograph (furnished by such citizen) affixed thereto, for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by the country of former allegiance of such citizen. Such certificate, when issued, shall be furnished to the Secretary of State for transmission by him to the proper authority in such country of former allegiance.

"SEC. 33. (a) Any individual over twenty-one years of age who claims to have derived United States citizenship through the naturalization of a parent, or a husband, may, upon the payment of a fee of \$10, make application to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon obtaining a

certificate from the Secretary of Labor showing the date, place, and manner of arrival in the United States, upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the alleged citizenship was derived as claimed, and upon taking and subscribing to, before a designated representative of the Bureau of Naturalization within the United States, the oath of allegiance required by the naturalization laws of a petitioner for citizenship, such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. In all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States, the certificate of citizenship issued under this section shall have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction.

"(b) Any person who (1) knowingly issues or is a party to the issuance under this section of a certificate of citizenship not authorized by the provisions of this section; or (2) demands, charges, collects, or receives any other or additional fees or moneys under this section except the fees and moneys herein specified; or (3) knowingly certifies that an applicant, affiant, or witness named in an affidavit, application, or certificate of citizenship or other paper or writing required to be executed under the provisions of this section, personally appeared before him, and was sworn thereto or acknowledged the execution thereof or signed the same when in fact such petitioner, affiant, or witness did not personally appear before him or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof; or (4) procures a certificate of citizenship under this section, knowing or having reason to believe that he is not entitled thereto, shall be guilty of a felony and on conviction thereof shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

"(c) The provisions of sections 74 to 81, inclusive, of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, shall apply in respect of proceedings and certificates of citizenship under this section in the same manner and to the same extent, including penalties, as they apply in respect of proceedings and certificates of citizenship under the naturalization laws.

"SEC. 34. Fees collected by the Commissioner of Naturalization under the two preceding sections shall be paid over to and deposited in the Treasury and accounted for by the commissioner to the General Accounting Office in the same manner as other naturalization fees received by the Bureau of Naturalization.

"SEC. 35. When used in this Act the term 'county' includes parish in the State of Louisiana; any political subdivision of a State not included within any county; a division of the judicial district in the Territory of Alaska; the entire island in the case of Porto Rico; the entire territory comprised within

the Virgin Islands in the case of the Virgin Islands; and the entire district in the case of the District of Columbia.

"SEC. 36. Two photographs of himself shall be furnished by each applicant for a declaration of intention and by each petitioner for citizenship. One of such photographs shall be affixed by the clerk of the court to the declaration of intention issued to the declarant and one to the declaration of intention required to be forwarded to the Bureau of Naturalization; and one of such photographs shall be affixed to the certificate of citizenship issued to the naturalized citizen and one to the duplicate certificate of citizenship required to be forwarded to the Bureau of Naturalization."

SEC. 10. The Commissioner of Naturalization is authorized and directed to prepare from the records in the custody of the Bureau of Naturalization a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of annually arriving aliens and to the prevailing census populations of foreign born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually thereafter.

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 12. Sections 1 to 10, inclusive, of this Act shall take effect on July 1, 1929. The remainder of the Act shall take effect upon its enactment.

AN ACT RELATING TO DECLARATIONS OF INTENTION IN NATURALIZATION  
PROCEEDINGS<sup>1</sup>

[Public No. 1011, 70th Congress]

*Approved March 4, 1929*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first subdivision of section 4 of the Act entitled "An Act to establish a Bureau of Immigration and Naturalization and provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906,<sup>2</sup> as amended, is amended to read as follows:*

"First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States and to reside permanently therein, and that he will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly, by name, to the prince, potentate, State, or sovereignty of which the alien may be at the time of admission a citizen or subject. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence, the date of arrival, the name of the

<sup>1</sup> H. R. 16440.

<sup>2</sup> Printed in Supplement to this JOURNAL, Vol. 1, pp. 31-47.

vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien. No declaration of intention or petition for naturalization shall be made outside of the office of the clerk of court."

SEC. 2. Section 1 of this Act shall take effect sixty days after its enactment. A declaration of intention made before the expiration of such sixty-day period, whether before or after the enactment of this Act, in which appears an erroneous statement of allegiance, shall not be held invalid for such cause if the error was due to a change of political boundaries, or the creation of new countries, or the transfer of territory from one country to another. Nothing in this section shall permit the reinstatement of a petition for naturalization dismissed for such cause, but in such a case the benefits of this section may be obtained by filing a new petition before the expiration of the period of validity of the declaration of intention.

SEC. 3. An alien veteran, as defined in sec. 1 of the Act of May 26, 1926 (c. 398, 44 Stat. 654, title 8, sec. 241, U. S. Code Sup. 1), shall, if residing in the United States, be entitled, at any time within two years after the enactment of this Act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

#### EXECUTIVE ORDER

[No. 4971]

By virtue of the authority conferred upon the President of the United States by Section 4 of the so-called Panama Canal Act, of August 24, 1912, "to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone," I designate the Secretary of State to receive and pass upon all applications for the privilege of operating commercial aircraft between the Canal Zone and foreign countries, and to prescribe the conditions under which permission may be given for such operation, having due regard for the provisions of statutory law on this subject, the rules prescribed thereunder by competent authority in this country, and the applicable rules and regulations of the Panama Canal.

Before final decision shall be reached in a given case, the Secretary of State will consult with the heads of the other interested Executive Departments.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
*September 28, 1928.*

## EXECUTIVE ORDER

[No. 5047]

By virtue of the authority conferred upon the President of the United States by the so-called Panama Canal Act approved August 24, 1912 (37 Stat. 560) and the so-called Air Commerce Act approved May 20, 1926 (44 Stat. 568), I hereby declare the Panama Canal Zone including the "three mile limit" to be a military airspace reservation.

The following regulations, applying exclusively to private aircraft as herein described, will control aerial navigation in the Panama Canal Zone.

\* \* \* \* \*

1. *Definitions.* The following shall be deemed to be state aircraft:

(a) Military and naval aircraft;

(b) Aircraft exclusively employed in state service, such as post, customs and police. Every other aircraft shall be deemed to be a private aircraft.

All state aircraft, other than military, naval, customs and/or police aircraft shall be treated as private aircraft, and as such shall be subject to all the provisions of these regulations.

"Aircraft" as used herein means "any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment."

"Airspace" as used herein shall be construed to mean the air vertically overlying any area that may be designated.

2. Subject to the provisions of Executive Order No. 4971 dated September 28, 1928, the control of civil aviation in the Panama Canal Zone shall be under the direction of the Governor of the Panama Canal.

3. Private aircraft shall be considered to have the nationality of the state in which it is duly registered, but no aircraft will be considered as validly registered in more than one state.

4. All private aircraft intending to enter the Panama Canal Zone or the airspace thereof shall carry in the custody of the aircraft commander:

(a) A certificate of registration, duly certified to according to the laws of the state in which it is registered;

(b) A certificate of airworthiness, as provided for by the laws of its country;

(c) Certificates of competency of the commander, pilots, engineers and crew, as provided by the laws of its country, and in addition, the certificate shall set forth that the pilot has passed a satisfactory examination with regard to the provisions of regulations controlling aerial navigation in the Panama Canal Zone.

(d) If passengers are carried, a list of their names, addresses and nationality.

(e) If carrying merchandise, the bills of lading, and manifests, and all



other documents required by customs laws and regulations of the state from which the aircraft last cleared.

(f) Log Books.

(g) If equipped with radio apparatus, the corresponding license.

5. Upon landing in the Panama Canal Zone, the private aircraft, its contents, crew and passengers will be inspected by proper authorities designated by the Governor. This inspection will cover the papers of the aircraft including registrations, certificates and licenses, prohibited articles, immigration, customs, police and sanitary regulations in force or hereafter placed in force in the Panama Canal Zone.

6. (a) Every private aircraft engaged in air traffic in and through the airspace of the Panama Canal Zone will be required to enter, transit and leave in accordance with prescribed routes, and to land at a designated airdrome in the Canal Zone, except in case of forced landing, which must be proved. If for any reason any private aircraft lands in the Panama Canal Zone at a point other than the airports designated, the aircraft commander shall immediately notify the nearest Panama Canal Zone authorities and hold himself, crew, passengers, and cargo at the point of landing until clearance for a take-off is granted by competent authority, except in an emergency which must be proved.

(b) Every private aircraft engaged in aerial navigation in and through the airspace of the Panama Canal Zone prior to its departure from the territorial jurisdiction of the Panama Canal Zone shall obtain such clearance as is required by the laws and/or regulations of the Canal Zone at the airdrome designated as point of departure for the Panama Canal Zone.

(c) All inspections, regulations and administration of commercial aviation will be conducted at designated landing areas within the Panama Canal Zone.

(d) In addition to the provisions of this order, the Governor of the Panama Canal will prepare such other rules and regulations as may become necessary from time to time, governing air traffic, method of entering, leaving and/or transiting the Canal Zone; designating prohibited areas, landing fields, signals, markings, and allied subjects. Such rules and regulations will be submitted to the Secretary of War for approval and will be forwarded by him to the Secretary of State for promulgation.

7. In special circumstances the Governor of the Panama Canal may suspend any or all aircraft operations over or within the Canal Zone.

8. *Prohibited articles.*

(a) The carriage by private aircraft of arms and munitions of war, and of such articles as are or may be prohibited by law and regulations of the United States in force in the Panama Canal Zone or of the state in which the aircraft is registered is prohibited.

(b) Express license and authority must be procured from authorized Panama Canal Zone officials for the carriage in private aircraft of arms for



hunting or protection of crew and cargo, commercial explosives, photographic apparatus not boxed and sealed, and such other articles as the Governor of the Panama Canal may prescribe.

9. *Photography.* It is unlawful to use or to permit or procure the use of a private aircraft for the purpose of making any photograph, sketch, picture, drawing, map, or graphical representation of military and naval installations or equipment in the Panama Canal Zone, without first obtaining permission of the Governor of the Panama Canal and thereafter promptly and before any use is made thereof, submitting the product made to the same authority for censorship or such other action as he may deem necessary.

10. (a) Such services, supplies, and shelter as are or may be authorized by Army or Navy Regulations may be furnished to private aircraft when in the opinion of responsible officials measures for the defense of the Canal Zone will not be jeopardized or embarrassed thereby.

(b) Furnishing of other services, supplies, and shelter shall be by regulation promulgated by properly constituted authority.

(c) The Governor of the Panama Canal will regulate the use of military or naval landing areas as airports by private aircraft within the limits authorized by the War Department and the Navy Department to the extent which may be necessary for the maintenance of efficiency of installations for the defense of the Canal.

11. *Penalties.* Under authority of Section 10 of the Panama Canal Act (37 Stat. 560), any person violating any of the regulations promulgated herein or pursuant to this order shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment not exceeding one year, or both, in the discretion of the Court.

CALVIN COOLIDGE.

THE WHITE HOUSE,

*February 18, 1929.*

#### REGULATIONS TO GOVERN AIR NAVIGATION IN THE CANAL ZONE

By virtue of the authority conferred upon me by Executive Orders of the President of the United States Nos. 4971 and 5047 promulgated, respectively, September 28, 1928, and February 18, 1929, I, Frank B. Kellogg, Secretary of State of the United States, do hereby make, ordain, establish and promulgate the following rules and regulations to govern air navigation in the Panama Canal Zone:

1. All applications for the privilege of operating commercial aircraft between the Canal Zone and foreign countries shall be submitted in writing to the Secretary of State of the United States and shall be accompanied by competent written evidence establishing that the applicant has complied with the requirements laid down in paragraph 4 hereof.

2. Any applicant who shall be granted permission to operate commercial aircraft between the Canal Zone and foreign countries will receive such permission only upon the definite understanding and agreement that the permittee submits to the conditions and requirements of said Executive Order No. 5047 of February 18, 1929, as well as those hereinafter specified, which latter conditions and requirements have received the approval of the Secretary of War of the United States.

3. Intra-Canal Zone commerce is restricted solely to American owned and operated aircraft. The written permission of the Governor of The Panama Canal is required for intra-Canal Zone operation of private aircraft of any kind. Permission to operate private aircraft in intra-Canal Zone traffic will be granted only on condition that all of the equipment, both aircraft and land, shall be available for the use of the United States military forces in time of emergency.

4. The following requirements will be demanded as conditions precedent to granting permission to operate private aircraft in and through the airspace of the Canal Zone, whether between the Canal Zone and a foreign country or in intra-Canal Zone traffic:

(a) That a bond of indemnification to the amount of Twenty-Five Thousand (\$25,000) Dollars to cover legal judgments against the permittee resulting from its operations shall be deposited with the Collector of The Panama Canal, this bond to be maintained until the company has real property in the Canal Zone, exclusive of airplanes, to the value of \$25,000 or more;

(b) That the permittee shall obtain terminal facilities, including housing and maintenance of planes under the terms prescribed at the time.

5. (a) For a state which does not issue a certificate of airworthiness, and certificates of competency of the commander, pilots, engineers and crew, and when in the opinion of the duly authorized official there is a doubt as to the airworthiness of the aircraft, it may be refused a clearance until it has been made airworthy, or if there is a doubt as to the competency of any crew of an aircraft entering the Canal Zone to navigate such aircraft with due regard to public safety, such crew shall submit to practical tests that will, in the opinion of such official, demonstrate competency, before being permitted to engage in further pilotage in the Canal Zone.

(b) For operation in the Canal Zone private aircraft from a state which has no laws covering registration of private aircraft, and for aircraft and crews originating in the Canal Zone, application will be made to the Governor of The Panama Canal for certificates of registration and airworthiness of aircraft and certificates of competency of commander, pilot, engineer and crew.

6. Private aircraft shall be required to present the following documents to the boarding parties:

(a) Bill of health from the port of clearance issued or countersigned by an

American consular officer or medical officer of the United States. (The pilot will furnish to the quarantine officer information as to the intermediate ports visited and length of time at each port. No bill of health will be required from intermediate ports so long as sanitary conditions in those ports remain satisfactory to the health department.) 1 copy.

(b) Passenger and crew list, combined. 2 copies.

(c) Any certificate of a sanitary nature. All copies.

(d) Clearance from last port. 1 copy.

(e) Information sheet. 1 copy.

(f) Chinese descriptive list (passenger and crew). 1 copy.

(g) Bills of lading, manifests, and all other documents required by customs law and regulations of the state from which the aircraft last cleared. 1 copy.

#### INSPECTION UPON ARRIVAL AND DEPARTURE

7. Upon landing in the Canal Zone, the aircraft, its contents, crew and passengers will be inspected by representatives of the Governor of The Panama Canal. This inspection will cover the papers of the aircraft, including registration, certificates and licenses, prohibited articles, immigration, customs, police and sanitary regulations in force or hereafter placed in force in the Canal Zone.

8. Aircraft arriving at the Canal Zone shall be considered in quarantine until given *pratique* by the quarantine officer. Such aircraft shall remain in the section of the landing field on which they alight until inspected, and no person or cargo shall be allowed to enter or leave the immediate area of landing until *pratique* has been granted.

9. No cargo or baggage shall be removed from the landing field until inspected and passed by the customs authorities.

10. All private aircraft engaged in aerial navigation in and through the airspace of the Canal Zone, prior to departure from the territorial jurisdiction thereof, shall obtain clearance from a designated official who will issue clearances only after he has ascertained that all documents and statistical data required by The Panama Canal authorities have been furnished; that all bills for services and supplies furnished by The Panama Canal or the Panama Railroad Company have been paid or their payment has been secured; and that the aircraft has complied with these regulations.

11. Local representatives of private aircraft visiting the Canal Zone shall notify the designated official of the time and place of expected arrival of such aircraft.

#### DESIGNATED AIRDROMES

12. All private aircraft not capable of alighting on the water engaged in air traffic in and through the airspace of the Canal Zone will, except in case of force majeure, which must be proved, be required to land at France Field until other fields are provided and prescribed.

13. Until such time as adequate commercial airdromes are established in the Panama Canal Zone with the requisite facilities thereon, the following landing areas are authorized and hereby designated:

(a) *For land planes:*

(1) France Field.

(2) Emergency only, Albrook Field, and Fort Clayton.

(b) *For sea planes:*

(1) On the Atlantic side—Cristobal Harbor.

(2) On the Pacific side—Balboa Harbor.

#### AIR TRAFFIC RULES

14. *Routes:* The route on a line with and parallel to the main channel of the Panama Canal between its Atlantic and Pacific terminals is hereby designated a military airway. It may be used by private aircraft granted the privilege of operating aircraft between the Canal Zone and other countries or permission for intra-Canal Zone operation.

15. All private aircraft entering or leaving the Canal Zone shall do so on one of the following routes:

(1) Aircraft from David, via Santiago, Aguadulce, Anton, Chorrera, (a) Darien, France Field or Cristobal Harbor, (b) Balboa Harbor.

(2) Panama City via the National Highway to Albrook Field thence as in Paragraph 14.

(3) Aircraft approaching airdromes on the Atlantic coast, except as prescribed herein, will pass over a point approximately three miles directly north of the breakwater entrance, thence over the breakwater entrance direct to designated landing area.

16. All trans-Isthmian flights of private aircraft within the Canal Zone shall follow the military airway described above.

17. *Time of arrival and departure:* Arrivals and departures, except in case of emergency, which must be proved, shall be between sunrise and sunset.

18. *Flying rules:*

(a) *Right-side traffic:* Aircraft flying in established civil airways, when it is safe and practicable, shall keep to the right side of such airways.

(b) *Giving-way order:* Craft shall give way to each other in the following order:

(1) Airplanes.

(2) Airships.

(3) Balloons, fixed or free.

An airship not under control is classed as a free balloon. Aircraft required to give way shall keep a safe distance, having regard to the circumstances of the case. Three hundred feet will be considered a minimum safe distance.

(c) *Giving-way duties:* If the circumstances permit, the craft which is required to give way shall avoid crossing ahead of the other. The other craft may maintain its course and speed, but no engine-driven craft may pursue its

course if it would come within 300 feet of another craft, 300 feet being the minimum distance within which aircraft, other than military aircraft of the United States engaged in military maneuvers and commercial aircraft engaged in local industrial operations, may come within proximity of each other in flight.

(d) Crossing: When two engine-driven aircraft are on crossing courses the aircraft which has the other on its right side shall keep out of the way.

(e) Approaching: When two engine-driven aircraft are approaching head-on, or approximately so, and there is risk of collision, each shall alter its course to the right, so that each may pass on the left side of the other. This rule does not apply to cases where aircraft will, if each keeps on its respective course, pass more than 300 feet from each other.

(f) Overtaking: (1) Definition. An overtaking aircraft is one approaching another directly from behind or within  $70^{\circ}$  of that position, and no subsequent alteration of the bearing between the two shall make the overtaking aircraft a crossing aircraft within the meaning of these rules or relieve it of the duty of keeping clear of the overtaken craft until it is finally past and clear.

(2) Presumption. In case of doubt as to whether it is forward or abaft such position it should assume that it is an overtaking aircraft and keep out of the way.

(3) Altering course. The overtaking aircraft shall keep out of the way of the overtaken aircraft by altering its own course to the right, and not in the vertical plane.

(g) Height over congested and other areas: Exclusive of taking off from or landing on an established landing field, airport, or on property designated for that purpose by the owner, and except as otherwise permitted by Paragraph 21, aircraft shall not be flown:

(1) Over the congested parts of cities, towns, or settlements, except at a height sufficient to permit a reasonably safe emergency landing, which in no case shall be less than 1,000 feet.

(2) Elsewhere at height less than 500 feet, except where indispensable to an industrial flying operation.

(h) Heights over assembly of persons: No flight under 1,000 feet in height shall be made over an open-air assembly of persons except with the consent of the Governor of The Panama Canal. Such consent will be granted only for limited operations.

(i) Acrobatic flying: (1) Acrobatic flying means intentional maneuvers not necessary to air navigation.

(2) No person shall acrobatically fly an aircraft:

(a) Over a congested area of any city, town, or settlement.

(b) Over any open-air assembly of persons or below 2,000 feet in height over any established civil airway, or at any height over any established airport or landing field, or within 1,000 feet horizontally thereof.



(c) Any acrobatic maneuvers performed over any other place shall be concluded at a height greater than 1,500 feet.

(d) No person shall acrobatically fly any airplane carrying passengers for hire.

(e) Dropping objects or things: When an aircraft is in flight the pilot shall not drop or release, or permit any person to drop or release, any object or thing which may endanger life or injure property, except when necessary to the personal safety of the pilot, passengers, or crew.

(j) Seaplanes on water: Seaplanes on the water shall maneuver according to the laws and regulations of The Panama Canal governing the navigation of water craft, except as otherwise provided therein.

(k) Transporting explosives: The transporting of any explosives other than those necessary for signaling or fuel for such aircraft while in flight or materials for industrial and agricultural spraying (dusting) is prohibited, except upon special authority obtained from the Governor of The Panama Canal.

19. *Take-off and Landing Rules.*

(a) Method: Take-offs and landings shall be made upwind when practicable. The take-off shall not be commenced until there is no risk of collision with landing aircraft and until preceding aircraft are clear of the field. Aircraft when taking off or landing shall observe the traffic lanes indicated by the field rules or signals. No take-off or landing shall be made from or on a public street or highway without the consent of the local governing authority and the approval of the Governor of The Panama Canal.

(b) Course: If practicable, when within 1,000 feet horizontally of the leeward side of the landing field the airplane shall maintain a direct course toward the landing zone.

(c) Right over ground planes: A landing plane has the right of way over planes moving on the ground or taking off.

(d) Giving way: When landing and maneuvering in preparation to land, the airplane at the greater height shall be responsible for avoiding the airplane at the lower height and shall, as regards landing, observe the rules governing overtaking aircraft.

(e) Distress landings: An aircraft in distress shall be given free way in attempting to land.

20. *Signals.*

(a) Distress: The following signals, separately or together, shall, where practicable, be used in case of distress:

(1) The international signal, S O S, by radio.

(2) The international-code flag signal of distress, NC.

(3) A square flag having either above or below it a ball, or anything resembling a ball.

(b) Signal when compelled to land: When an aircraft is forced to land at



night at a lighted airport it shall signal its forced landing by making a series of short flashes with its navigation lights if practicable to do so.

¶ 21. *Deviation from Air Traffic Rules:* The air traffic rules may be deviated from when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

#### PROHIBITED ARTICLES AND PASSENGERS

22. Chapters IX and X of Rules and Regulations Governing Navigation of The Panama Canal, which forbid entrance into the Canal Zone of undesirables and of certain Chinese persons, are hereby made applicable to navigation by private aircraft. (See Appendix for full text of these chapters.)

#### VIOLATION OF REGULATIONS

23. If for any reason any aircraft lands in the Canal Zone at a point other than the airports designated herein, the aircraft commander shall immediately notify the nearest Panama Canal authority and hold himself, crew, passengers, and cargo at the point of landing until clearance for a take-off is granted by competent authority, except in an emergency, which must be proved.

24. An aircraft in flight which is violating or has violated any of the foregoing regulations when signalled will land at the nearest designated landing place. The signal for landing shall be:

(1) By day, frequent discharges at short intervals of yellow smoke or red light from the ground or similar signal discharged by Very pistol from police aircraft.

(2) At night, by green or white light as above in (1).

(3) When such signals are given by police aircraft the offending aircraft will land at once at the landing area indicated by the police aircraft.

#### MISCELLANEOUS

25. Pending the establishment of a commercial airdrome in the Canal Zone, such supplies, shelter, and services, including meteorological data and communication facilities as The Panama Canal has available will be sold to aircraft.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,  
February 26, 1929.

#### APPENDIX

(Quoted from Rules and Regulations Governing Navigation of the Panama Canal and Adjacent Waters.)

## CHAPTER IX

## Exclusion of Undesirables

Rule 120. *Undesirable Persons:* The following classes of persons are hereby forbidden to enter the Canal Zone and the Governor is hereby authorized at his discretion to deport any such person when found in the Canal Zone: The insane or persons who have been insane within five years previous to their attempted entry into the Canal Zone imbeciles or feeble minded persons, epileptics, persons suffering from a loathsome or dangerous contagious disease, criminals, those who have been convicted of felony, paupers or professional beggars, persons of notoriously bad character, anarchists, those whose purpose it is to incite insurrection, and any other persons whose presence, in the judgment of the Governor, would be a menace to the public health or welfare of the Canal Zone, or whose presence would tend to create public disorder or obstruct the operation or maintenance of the Canal, or who are liable to become a public charge.

Regulation 120. 1. *By Whom Administered:* The rules and regulations regarding exclusion of undesirables shall be administered by the Division of Quarantine. So far as practicable, the laws of the Republic of Panama regarding the exclusion of undesirables will also be given effect.

Rule 121. *Penalty:* The penalty for the violation of any of the rules herein established for the exclusion of undesirables shall be a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed one (1) year, or both such fine and imprisonment.

Rule 122. *Liability of Vessels Bringing Undesirable Persons:* The owner or interest controlling a vessel bringing into the Canal Zone a person excluded by Rule 120 shall return such excluded person to his port of embarkation, and when required by the Canal authorities to do so, such owner or interest shall return a certificate to said authorities from the proper officials of the port of embarkation stating that the said excluded person has been landed at said port.

Rule 123. *Cost of Excluding or Deporting Persons:* The cost of excluding or deporting persons listed in Rule 120 shall be a charge against the person or interest responsible for bringing the undesirable person into the Canal Zone. Such cost shall include expenses incident to detention, maintenance, transportation, and transportation of baggage, as well as the actual cost of deportation. Clearance may be withheld from the vessel until such costs have been paid, or their payment has been secured.

Rule 124. In cases of deportation in which no person or interest can be held responsible for the cost hereunder, such cost will be paid from Canal funds.

Rule 125. *Detention:* Any excluded person awaiting deportation or any person held for the determination of his right of entry into the Canal Zone, may, when necessary, be detained by the Canal authorities at such place as may be designated by the Governor.

Regulation 125.1. *Place of Detention:* A person awaiting exclusion or deportation, or being held for the determination of his entry into the Canal Zone, shall be detained at a quarantine station, police station, or such other place as is determined upon by a quarantine officer.

Rule 126. The master of a vessel owned or controlled by the same interests as a vessel which has brought to the Canal Zone any person subject to exclusion by Rule 120 shall be required to receive such person on board at such time prior to the date of sailing of his vessel as may be decided upon by the Canal authorities.

Rule 127. *Passage Through the Canal Zone:* Any person excluded by Rule 120, who may desire to enter the Canal Zone in order to reach his final destination, may be allowed by the Canal authorities to make such transit under such regulations as may be prescribed by the Governor, provided the person or interest controlling the vessel upon which such person arrives at the Canal Zone agrees in writing that if such person is rejected at his final destination and returned to the Canal Zone, his deportation therefrom shall be at the expense of the owner or interest controlling the vessel.

Rule 128. *Duty of Vessels to Prevent Landing of Undesirables:* It shall be the duty of the owner, agent, and officers of any vessel bringing to the Canal Zone any person excluded under Rule 120, to adopt the necessary precautions to prevent the landing of any such person at any time or place, other than as permitted and designated by the Canal authorities; and any such owner, agent, or officer who shall land, or, through negligence, permit to land, any person contrary to the provisions of these Rules, shall be subject to the penalty prescribed by Rule 121.

## CHAPTER X

### Exclusion of Chinese

Rule 129. *Purpose:* The purpose of the rules concerning the exclusion of Chinese is the preventing of entry through the Canal Zone into the Republic of Panama of Chinese persons who are forbidden by the laws of the Republic of Panama to enter the territory of that country.

Rule 130. *Chinese Not Allowed to Enter the Canal Zone:* No Chinese person shall be allowed to enter into or remain in the Canal Zone, except as provided in these rules; and any Chinese person found in the Canal Zone in contravention of the provisions of these rules shall be punished as provided in Rule 132. The word "Chinese" as used herein shall mean a person of the Chinese race without regard to the nationality of such person.

Regulation 130.1. *By Whom Administered:* The rules and regulations regarding exclusion of Chinese shall be administered by the Bureau of Customs.

Rule 131. *Exceptions:* Rule 130 shall not apply to the following: Diplomatic and consular agents of the Chinese Government, upon showing

proof of their official character; Chinese persons legally residents of the Canal Zone or of the Republic of Panama; domestic servants employed by personnel of the United States Army and Navy stationed in the Canal Zone, when such employment has the approval of the Governor; those whose services have been contracted for by the United States, The Panama Canal, or the Panama Railroad Company; any Chinese person coming into the Canal Zone by specific authority of the Governor.

Rule 132. *Penalty:* The penalty for the violation of any of the rules herein established for the exclusion of Chinese shall be a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed one (1) year, or both such fine and imprisonment.

Rule 133. *Liability of Vessel Bringing Chinese Persons:* The owner or interest controlling a vessel bringing into the Canal Zone a Chinese person excluded by Rule 130 shall return such excluded person to his port of embarkation, and, when required by the Canal authorities to do so, such owner or interest shall return a certificate to said authorities from the proper officials of the port of embarkation certifying that the said excluded person has been landed at said port. When a vessel, having Chinese persons on board, comes within the Canal Zone in distress or under stress of weather such Chinese persons may be permitted to land when authorized by the Governor, but they must depart from the Canal Zone with the vessel on its leaving the port.

Rule 134. *Cost of Excluding or Deporting Chinese Persons:* The cost of excluding or deporting Chinese persons excluded by Rule 130 shall be a charge against the person or interest responsible for bringing such Chinese persons into the Canal Zone. Such costs shall include expenses incident to detention, maintenance, transportation and transportation of baggage, as well as actual cost of deportation. Clearance may be withheld from the vessel until such costs have been paid or their payment has been secured.

Rule 135. In case of deportation of Chinese persons in which no person or interest can be held responsible for the cost thereof, such cost will be paid from the Canal funds.

Rule 136. *Detention:* Any Chinese person awaiting deportation or held for the determination of his right of entry into the Canal Zone or the Republic of Panama may, when necessary, be detained by the Canal authorities at such place as may be designated by the Governor.

Rule 137. The master of a vessel owned or controlled by the same interests as a vessel which has brought to the Canal Zone any Chinese person subject to exclusion by Rule 130 shall be required to receive such Chinese person on board at such time prior to the date of sailing of his vessel as may be decided upon by the Canal authorities.

Rule 138. *Descriptive List:* The master of a vessel from a foreign port with one or more Chinese persons on board, stopping at a port in the Canal Zone, or transiting The Panama Canal, shall deliver to the designated official

of The Panama Canal a descriptive list of all Chinese persons on board his vessel at the time of its arrival in the Canal Zone. Such list shall contain the names of all Chinese persons on board as shown by the ship's papers, and shall be subscribed and sworn to by the master.

Rule 139. *Temporary Entry into the Canal Zone for Transit:* Chinese persons arriving from foreign ports, who desire to enter the Canal Zone in transit to other countries, may be allowed to make entry under such regulations as may be established by the Governor, but such transients who are destined for the Republic of Panama shall not be released in the Canal Zone unless the consent of the authorities of the Republic of Panama is first obtained for their entry into the said Republic.

Rule 140. *Entry under Bond:* Chinese persons entering the Canal Zone under Rule 139, and Chinese members of a vessel's crew discharged in the Canal Zone under authority of the Governor, may remain temporarily in the Canal Zone until a reshipment is obtained by them, provided a satisfactory bond, in a sum to be fixed by the Canal authorities, but not to exceed five hundred dollars (\$500.00), is executed by or in behalf of such Chinese person or persons, and conditioned that the principal in the bond, in good faith will obtain a reshipment and leave the Canal Zone at the date fixed by the Canal authorities; and said bond shall be forfeited for the full amount thereof by judgment in the District Court of the Canal Zone, should the principal in said bond fail to comply with any of the conditions thereof.

Regulation 140.1. Vessels or interests responsible for the temporary entry of Chinese persons into the Canal Zone in transit may be required to give a bond to guarantee that such Chinese will continue their journey within such reasonable time as the proper authorities may determine, or will return to port of embarkation in case their journey is not continued. Such bonds shall not be cancelled until the Chinese persons for whom they were given have departed from the Canal Zone, and receipt for their delivery has been received from the proper officer of the ship upon which they took their departure. The vessel upon which Chinese in transit depart shall be held responsible for the maintenance and return to the port of embarkation of any Chinese refused admission at port of destination and for that or any other reason are returned to the Canal Zone.

Rule 141. *Duty of Vessels to Prevent Landing of Chinese Persons:* It shall be the duty of the owner, agent and officer of any vessels bringing to the Canal Zone any Chinese person excluded under Rule 130, to adopt the necessary precautions to prevent the landing of such persons at any time or place other than as permitted and designated by the Canal authorities; and any such owner, agent or officer who shall land, or through negligence permit to land, any Chinese person contrary to the provisions of these rules, shall be subject to the penalty prescribed by Rule 132. Every person who aids or abets in the violation of this order shall be equally guilty with the principal.





## OFFICIAL DOCUMENTS

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## OFFICIAL DOCUMENTS

### INTERNATIONAL CONVENTION RELATING TO DANGEROUS DRUGS\*

*Geneva, February 19, 1925*

[For list of signatures, ratifications and accessions, see appendix, p. 157.]

Albania, Germany, Austria, Belgium, Brazil, the British Empire, Canada, the Commonwealth of Australia, the Union of South Africa, New Zealand, the Irish Free State and India, Bulgaria, Chile, Cuba, Denmark, Spain, France, Greece, Hungary, Japan, Latvia, Luxemburg, Nicaragua, the Netherlands, Persia, Poland, Portugal, the Kingdom of the Serbs, Croats and Slovenes, Siam, Sudan, Switzerland, Czechoslovakia and Uruguay,

Taking note of the fact that the application of the provisions of The Hague Convention of the 23rd January, 1912,† by the contracting parties has produced results of great value, but that the contraband trade in and abuse of the substances to which the convention applies still continue on a great scale;

Convinced that the contraband trade in and abuse of these substances cannot be effectually suppressed except by bringing about a more effective limitation of the production or manufacture of the substances, and by exercising a closer control and supervision of the international trade, than are provided for in the said convention;

Desirous therefore of taking further measures to carry out the objects aimed at by the said convention and to complete and strengthen its provisions;

Realizing that such limitation and control require the close coöperation of all the contracting parties;

Confident that this humanitarian effort will meet with the unanimous adhesion of the nations concerned:

Have decided to conclude a convention for this purpose.

The high contracting parties have accordingly appointed as their plenipotentiaries:

The President of the Supreme Council of Albania:

M. B. Blinishti, Director of the Albanian Secretariat accredited to the League of Nations.

The President of the German Reich:

M. H. von Eckardt, Envoy Extraordinary and Minister Plenipotentiary.

\* British Treaty Series No. 27 (1928). The convention came into force on September 25, 1928.

† See Treaty Series No. 17 (1921), cmd. 1520; also Supplement to this JOURNAL, Vol. 6, p. 177.

The President of the Austrian Republic:

M. Emerich Pflügl, Minister Plenipotentiary, Representative of the Austrian Federal Government accredited to the League of Nations.

His Majesty the King of the Belgians:

M. Fernand Peltzer, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;

Dr. Ferdinand de Myttenaere, Chief Inspector of Pharmacies.

The President of the United States of Brazil:

Dr. Humberto Gotuzzo, Medical Director of the Rio de Janeiro Mental Hospital;

Dr. Pedro Pernambuco, Professor in the Faculty of Medicine at the University of Rio de Janeiro.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Sir Malcolm Delevingne, K.C.B., Assistant Under-Secretary of State;  
and

for the Dominion of Canada:

The Honorable R. Dandurand, Senator, Delegate to the Sixth Assembly of the League of Nations;

for the Commonwealth of Australia:

Mr. M. L. Shepherd, I.S.O., Official Secretary for the Commonwealth of Australia in Great Britain;

for the Union of South Africa:

Mr. J. S. Smit, High Commissioner for the Union of South Africa in the United Kingdom;

for the Dominion of New Zealand:

The Honorable Sir James Allen, K.C.B., High Commissioner for New Zealand in the United Kingdom;

for the Irish Free State:

Mr. Michael MacWhite, Representative of the Irish Free State accredited to the League of Nations;

for India:

Mr. R. Sperling, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of the Bulgars:

M. Dimitri Mikoff, *Chargé d'Affaires* in Switzerland.

The President of the Republic of Chile:

M. Emilio Bello-Codesido, Ambassador, President of the Chilean Delegation to the Sixth Assembly of the League of Nations.

The President of the Cuban Republic:

M. Aristides de Agüero y Bethencourt, Envoy Extraordinary and Minister Plenipotentiary to the President of the German Reich and to the President of the Austrian Republic.

His Majesty the King of Denmark:

M. A. Oldenburg, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Representative of Denmark accredited to the League of Nations.

His Majesty the King of Spain:

M. E. de Palacios, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the French Republic:

M. G. Bourgois, French Consul;

M. A. Kircher, Director of Customs and Excise in Indo-China.

The President of the Hellenic Republic:

M. Vassili Dendramis, *Chargé d'Affaires* in Switzerland.

His Serene Highness the Governor of Hungary:

Dr. Zoltán Baranyai, Head of the Royal Hungarian Secretariat accredited to the League of Nations.

His Majesty the Emperor of Japan:

M. S. Kaku, former Civil Governor of the General Government of Taiwan;

M. Yotaro Sugimura, Counsellor of Embassy, Assistant Head of the Imperial Japanese Bureau accredited to the League of Nations.

The President of the Latvian Republic:

M. W. G. Salnais, Minister of Social Welfare.

Her Royal Highness the Grand Duchess of Luxemburg:

M. Charles Vermaire, Luxemburg Consul at Geneva.

The President of the Republic of Nicaragua:

M. A. Sottile, Nicaraguan Consul at Geneva, Permanent Delegate accredited to the League of Nations.

Her Majesty the Queen of the Netherlands:

M. W. G. van Wettum, Member of the Advisory Committee of the League of Nations on the Traffic in Opium and other Dangerous Drugs;

Dr. J. B. M. Coebergh, Chief Inspector of Public Health Service;

M. A. D. A. de Kat Angelino, Secretary for Chinese Affairs to the Government of the Netherlands Indies.

His Imperial Majesty the Shah of Persia:

His Highness Prince Mirza Riza Khan Arfa-od-Dovleh, Ambassador, Representative of the Imperial Government accredited to the League of Nations.

The President of the Polish Republic:

Dr. W. Chodźko, former Minister of Public Health, Delegate of the Polish Government to the *Office internationale d'hygiène publique*.

The President of the Portuguese Republic:

M. Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;

Dr. Rodrigo J. Rodrigues, Governor of Macao.

His Majesty the King of the Serbs, Croats and Slovenes:

M. M. Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

His Majesty the King of Siam:

His Serene Highness Prince Damras, *Chargé d'Affaires* to the Netherlands.

His Excellency the Governor-General of the Sudan:

Sir Wasey Sterry, C.B.E., Legal Secretary to the Government of Sudan.

The Swiss Federal Council:

M. Paul Dinichert, Minister Plenipotentiary, Head of the Foreign Affairs Division of the Federal Political Department.

The President of the Czechoslovak Republic:

M. Ferdinand Veverka, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Representative accredited to the League of Nations.

The President of the Republic of Uruguay:

M. Enrique E. Buero, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

who, after communicating their full powers, found in good and due form, have agreed as follows:



CHAPTER I—*Definitions*

## ARTICLE 1

The contracting parties agree to adopt the following definitions for the purposes of the present convention:

*Raw Opium*.—"Raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum* L., which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

*Medicinal Opium*.—"Medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

*Morphine*.—"Morphine" means the principal alkaloid of opium having the chemical formula  $C_{17}H_{19}NO_3$ .

*Diacetylmorphine*.—"Diacetylmorphine" means diacetylmorphine (diacetylmorphine, heroin) having the formula  $C_{21}H_{23}NO_5$ .

*Coca Leaf*.—"Coca leaf" means the leaf of the *Erythroxylon Coca* Lamarck and the *Erythroxylon novo-granatense* (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

*Crude Cocaine*.—"Crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine.

*Cocaine*.—"Cocaine" means methyl-benzoyl lævo-ecgonine ( $[\alpha]_{D20} = -16.4$  in 20 per cent. solution of chloroform), of which the formula is  $C_{17}H_{21}NO_4$ .

*Ecgonine*.—"Ecgonine" means lævo-ecgonine ( $[\alpha]_{D20} = -45.6$  in 5 per cent. solution of water), of which the formula is  $C_9H_{15}NO_3 \cdot H_2O$ , and all the derivatives of lævo-ecgonine which might serve industrially for its recovery.

*Indian Hemp*.—"Indian hemp" means the dried flowering or fruiting tops of the pistillate plant *Cannabis sativa* L. from which the resin has not been extracted, under whatever name they may be designated in commerce.

CHAPTER II—*Internal Control of Raw Opium and Coca Leaves*

## ARTICLE 2

The contracting parties undertake to enact laws and regulations to ensure the effective control of the production, distribution and export of raw opium, unless laws and regulations on the subject are already in existence; they also undertake to review periodically, and to strengthen as required, the laws and regulations on the subject which they have enacted in virtue of Article 1 of The Hague Convention of 1912 or of the present convention.

## ARTICLE 3

Due regard being had to the differences in their commercial conditions, the contracting parties shall limit the number of towns, ports or other localities through which the export or import of raw opium or coca leaves shall be permitted.

CHAPTER III—*Internal Control of Manufactured Drugs*

## ARTICLE 4

The provisions of the present chapter apply to the following substances:

- (a) Medicinal opium.
- (b) Crude cocaine and ecgonine.
- (c) Morphine, diacetylmorphine, cocaine and their respective salts.
- (d) All preparations official and non-official (including the so-called anti-opium remedies) containing more than 0.2 per cent. of morphine or more than 0.1 per cent. of cocaine.
- (e) All preparations containing diacetylmorphine.
- (f) Galenical preparations (extract and tincture) of Indian hemp.
- (g) Any other narcotic drug to which the present convention may be applied in accordance with Article 10.

## ARTICLE 5

The contracting parties shall enact effective laws or regulations to limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of the substances to which this chapter applies. They shall co-operate with one another to prevent the use of these substances for any other purposes.

## ARTICLE 6

The contracting parties shall control all persons manufacturing, importing, selling, distributing or exporting the substances to which this chapter applies, as well as the buildings in which these persons carry on such industry or trade.

With this object, the contracting parties shall—

- (a) Confine the manufacture of the substances referred to in Article 4 (b), (c) and (g) to those establishments and premises alone which have been licensed for the purpose.
- (b) Require that all persons engaged in the manufacture, import, sale, distribution, or export of the said substances shall obtain a license or permit to engage in these operations.
- (c) Require that such persons shall enter in their books the quantities manufactured, imports, exports, sales and all other distribution of the said substances. This requirement shall not necessarily apply either to supplies dispensed by medical practitioners or to sales by

duly authorized chemists on medical prescriptions, provided in each case that the medical prescriptions are filed and preserved by the medical practitioner or chemist.

#### ARTICLE 7

The contracting parties shall take measures to prohibit, as regards their internal trade, the delivery to or possession by any unauthorized persons of the substances to which this chapter applies.

#### ARTICLE 8

In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the *Office international d'Hygiène publique* in Paris, finding that any preparation containing any of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations. The Council will communicate the finding to the contracting parties, and thereupon the provisions of the present convention will not be applicable to the preparation concerned.

#### ARTICLE 9

Any contracting party may authorize the supply to the public by chemists, at their own discretion, as medicines, for immediate use in urgent cases, of the following opiate official preparations: tincture of opium, Sydenham laudanum and Dover powder. The maximum dose, however, which may be supplied in such cases must not contain more than 25 centigrammes of official opium, and the chemist must enter in his books the quantities supplied, as provided in Article 6 (c).

#### ARTICLE 10

In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the *Office international d'Hygiène publique* in Paris, finding that any narcotic drug to which the present convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this chapter of the convention applies, the Health Committee shall inform the Council of the League accordingly and recommend that the provisions of the present convention shall be applied to such drug.

The Council of the League shall communicate the said recommendation to the contracting parties. Any contracting party which is prepared to accept the recommendation shall notify the Secretary-General of the League, who will inform the other contracting parties.

The provisions of the present convention shall thereupon apply to the substance in question as between the contracting parties who have accepted the recommendation referred to above.

CHAPTER IV—*Indian Hemp*

## ARTICLE 11

1. In addition to the provisions of Chapter V of the present convention which shall apply to Indian hemp and the resin prepared from it, the contracting parties undertake—

- (a) To prohibit the export of the resin obtained from Indian hemp and the ordinary preparations of which the resin forms the base (such as hashish, esrar, chiras, djamba) to countries which have prohibited their use, and, in cases where export is permitted, to require the production of a special import certificate issued by the government of the importing country stating that the importation is approved for the purposes specified in the certificate and that the resin or preparations will not be re-exported.
- (b) Before issuing an export authorization under Article 13 of the present convention, in respect of Indian hemp, to require the production of a special import certificate issued by the government of the importing country and stating that the importation is approved and is required exclusively for medical or scientific purposes.

2. The contracting parties shall exercise an effective control of such a nature as to prevent the illicit international traffic in Indian hemp, and especially in the resin.

CHAPTER V—*Control of International Trade*

## ARTICLE 12

Each contracting party shall require a separate import authorization to be obtained for each importation of any of the substances to which the present convention applies. Such authorization shall state the quantity to be imported, the name and address of the importer and the name and address of the exporter.

The import authorization shall specify the period within which the importation must be effected and may allow the importation in more than one consignment.

## ARTICLE 13

1. Each contracting party shall require a separate export authorization to be obtained for each exportation of any of the substances to which the present convention applies. Such authorization shall state the quantity to be exported, the name and address of the exporter and the name and address of the importer.

2. The contracting party, before issuing such export authorization, shall require an import certificate, issued by the government of the importing country and certifying that the importation is approved, to be produced by the person or establishment applying for the export authorization.

Each contracting party agrees to adopt, so far as possible, the form of import certificate annexed to the present convention.<sup>1</sup>

3. The export authorization shall specify the period within which the exportation must be effected, and shall state the number and date of the import certificate and the authority by whom it has been issued.

4. A copy of the export authorization shall accompany the consignment, and the government issuing the export authorization shall send a copy to the government of the importing country.

5. The government of the importing country, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the government of the exporting country. The endorsement shall specify the amount actually imported.

6. If a less quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorization and on any official copy thereof.

7. In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, a special certificate from the government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be accepted by the government of the exporting country in place of the import certificate provided for above. In such a case, the export authorization shall specify that the consignment is exported for the purpose of being placed in a bonded warehouse.

#### ARTICLE 14

For the purpose of ensuring the full application and enforcement of the provisions of the present convention in free ports and free zones, the contracting parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise therein the same supervision and control, in respect of the substances covered by the said convention, as in other parts of their territories.

This article does not, however, prevent any contracting party from applying, in respect of the said substances, more drastic provisions in its free ports and free zones than in other parts of its territories.

#### ARTICLE 15

1. No consignment of any of the substances covered by the present convention which is exported from one country to another country shall be permitted to pass through a third country, whether or not it is removed from the ship or conveyance in which it is being conveyed, unless the copy of the export authorization (or the diversion certificate, if such a certificate has been

<sup>1</sup> Omitted from this JOURNAL.



issued in pursuance of the following paragraph) which accompanies the consignment is produced to the competent authorities of that country.

2. The competent authorities of any country through which a consignment of any of the substances covered by the present convention is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the copy of the export authorization (or the diversion certificate) which accompanies it, unless the government of that country has authorized that diversion by means of a special diversion certificate. A diversion certificate shall only be issued after the receipt of an import certificate, in accordance with Article 13, from the government of the country to which it is proposed to divert the consignment, and shall contain the same particulars as are required by Article 13 to be stated in an export authorization, together with the name of the country from which the consignment was originally exported. All the provisions of Article 13 which are applicable to an export authorization shall be applicable equally to the diversion certificate.

Further, the government of the country authorizing the diversion of the consignment shall detain the copy of the original export authorization (or diversion certificate) which accompanied the consignment on arrival in its territory, and shall return it to the government which issued it, at the same time notifying the name of the country to which the diversion has been authorized.

3. In cases where the transport is being effected by air, the preceding provisions of this article shall not be applicable if the aircraft passes over the territory of the third country without landing. If the aircraft lands in the territory of the said country, the said provisions shall be applied so far as the circumstances permit.

4. Paragraphs 1 to 3 of this article are without prejudice to the provisions of any international agreement which limits the control which may be exercised by any of the contracting parties over the substances to which the present convention applies when in direct transit.

5. The provisions of this article shall not apply to transport of the substances by post.

#### ARTICLE 16

A consignment of any of the substances covered by the present convention which is landed in the territory of any contracting party and placed in a bonded warehouse shall not be withdrawn from the bonded warehouse unless an import certificate, issued by the government of the country of destination and certifying that the importation is approved, is produced to the authorities having jurisdiction over the bonded warehouse. A special authorization shall be issued by the said authorities in respect of each consignment so withdrawn, and shall take the place of the export authorization for the purpose of Articles 13, 14 and 15 above.



## ARTICLE 17

No consignment of the substances covered by the present convention while passing in transit through the territories of any contracting party or whilst being stored there in a bonded warehouse may be subjected to any process which would alter the nature of the substances in question or, without the permission of the competent authorities, the packing.

## ARTICLE 18

If any contracting party finds it impossible to apply any provision of this chapter to trade with another country by reason of the fact that such country is not a party to the present convention, such contracting party will only be bound to apply the provisions of this chapter so far as the circumstances permit.

CHAPTER VI—*Permanent Central Board*

## ARTICLE 19

A Permanent Central Board shall be appointed, within three months from the coming into force of the present convention.

The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

The members of the Central Board shall be appointed by the Council of the League of Nations.

The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their governments.

The members shall be appointed for a term of five years, and they will be eligible for reappointment.

The Central Board shall elect its own president and shall settle its rules of procedure.

At meetings of the Board, four members shall form a quorum.

The decisions of the Board relative to Articles 24 and 26 shall be taken by an absolute majority of the whole number of the Board.

## ARTICLE 20

The Council of the League of Nations shall, in consultation with the Board, make the necessary arrangements for the organization and working of the Board, with the object of assuring the full technical independence of the

Board in carrying out its duties under the present convention, while providing for the control of the staff in administrative matters by the Secretary-General.

The Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council.

#### ARTICLE 21

The contracting parties agree to send in annually before the 31st December, to the Permanent Central Board set up under Article 19, estimates of the quantities of each of the substances covered by the convention to be imported into their territory for internal consumption during the following year for medical, scientific and other purposes.

These estimates are not to be regarded as binding on the government concerned, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties.

Should circumstances make it necessary for any country, in the course of the year, to modify its estimates, the country in question shall communicate the revised figures to the Central Board.

#### ARTICLE 22

1. The contracting parties agree to send annually to the Central Board, in a manner to be indicated by the Board, within three (in the case of paragraph (c), five) months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing—

- (a) Production of raw opium and coca leaves.
- (b) Manufacture of the substances covered by Chapter III, Article 4 (b), (c) and (g), of the present convention and the raw material used for such manufacture. The amount of such substances used for the manufacture of other derivatives not covered by the convention shall be separately stated.
- (c) Stocks of the substances covered by Chapters II and III of the present convention in the hands of wholesalers or held by the government for consumption in the country for other than government purposes.
- (d) Consumption, other than for government purposes, of the substances covered by Chapters II and III of the present convention.
- (e) Amounts of each of the substances covered by the present convention which have been confiscated on account of illicit import or export; the manner in which the confiscated substances have been disposed of shall be stated, together with such other information as may be useful in regard to such confiscation and disposal.

The statistics referred to in paragraphs (a) to (e) above shall be communicated by the Central Board to the contracting parties.

2. The contracting parties agree to forward to the Central Board, in a

manner to be prescribed by the Board, within four weeks after the end of each period of three months, the statistics of their imports from and exports to each country of each of the substances covered by the present convention during the preceding three months. These statistics will, in such cases as may be prescribed by the Board, be sent by telegram, except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board.

3. In furnishing the statistics in pursuance of this Article, the governments shall state separately the amounts imported or purchased for government purposes, in order to enable the amounts required in the country for general medical and scientific purposes to be ascertained. It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for government purposes or the use thereof.

4. For the purposes of this article, substances which are held, imported, or purchased by the government for eventual sale are not regarded as held, imported or purchased for government purposes.

#### ARTICLE 23

In order to complete the information of the Board as to the disposal of the world's supply of raw opium, the governments of the countries where the use of prepared opium is temporarily authorized shall, in a manner to be prescribed by the Board, in addition to the statistics provided for in Article 22, forward annually to the Board, within three months after the end of the year, as complete and accurate statistics as possible relative to the preceding year showing:

- (1) The manufacture of prepared opium, and the raw material used for such manufacture.
- (2) The consumption of prepared opium.

It is understood that it shall not be within the competence of the Board to question or to express any opinion upon these statistics, and that the provisions of Article 24 are not applicable to the matters dealt with in this article, except in cases where the Board may find that illicit international transactions are taking place on an appreciable scale.

#### ARTICLE 24

1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the present convention are accumulating in any country, or that there is a danger of that country becoming a centre of the illicit traffic, the Board shall have the right to ask, through the Secretary-General of the League, for explanations from the country in question.

2. If no explanation is given within a reasonable time or the explanation is

unsatisfactory, the Central Board shall have the right to call the attention of the governments of all the contracting parties and of the Council of the League of Nations to the matter, and to recommend that no further exports of the substances covered by the present convention or any of them shall be made to the country concerned until the Board reports that it is satisfied as to the situation in that country in regard to the said substances. The Board shall at the same time notify the government of the country concerned of the recommendation made by it.

3. The country concerned shall be entitled to bring the matter before the Council of the League.

4. The government of any exporting country which is not prepared to act on the recommendation of the Central Board shall also be entitled to bring the matter before the Council of the League.

If it does not do so, it shall immediately inform the Board that it is not prepared to act on the recommendation, explaining, if possible, why it is not prepared to do so.

5. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the governments of all the contracting parties.

6. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

7. Any country shall be invited to be represented at a meeting of the Central Board at which a question directly interesting it is considered.

#### ARTICLE 25

It shall be the friendly right of any of the contracting parties to draw the attention of the Board to any matter which appears to it to require investigation, provided that this article shall not be construed as in any way extending the powers of the Board.

#### ARTICLE 26

In the case of a country which is not a party to the present convention, the Central Board may take the same measures as are specified in Article 24, if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic; in that case the Board shall take the action indicated in the said article as regards notification to the country concerned.

Paragraphs 3, 4 and 7 of Article 24 shall apply in any such case.

#### ARTICLE 27

The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all the contracting parties.

The Central Board shall take all necessary measures to ensure that the

estimates, statistics, information and explanations which it receives under Articles 21, 22, 23, 24, 25 or 26 of the present convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any contracting party.

#### CHAPTER VII—*General Provisions*

##### ARTICLE 28

Each of the contracting parties agrees that breaches of its laws or regulations by which the provisions of the present convention are enforced shall be punishable by adequate penalties, including in appropriate cases the confiscation of the substances concerned.

##### ARTICLE 29

The contracting parties will examine in the most favorable spirit the possibility of taking legislative measures to render punishable acts committed within their jurisdiction for the purpose of procuring or assisting the commission in any place outside their jurisdiction of any act which constitutes an offence against the laws of that place relating to the matters dealt with in the present convention.

##### ARTICLE 30

The contracting parties shall communicate to one another, through the Secretary-General of the League of Nations, their existing laws and regulations respecting the matters referred to in the present convention, so far as this has not already been done, as well as those promulgated in order to give effect to the said convention.

##### ARTICLE 31

The present convention replaces, as between the contracting parties, the provisions of Chapters I, III and V of the convention signed at The Hague on the 23rd January, 1912, which provisions remain in force as between the contracting parties and any states parties to the said convention which are not parties to the present convention.

##### ARTICLE 32

1. In order as far as possible to settle in a friendly manner disputes arising between the contracting parties in regard to the interpretation or application of the present convention which they have not been able to settle through diplomatic channels, the parties to such a dispute may, before resorting to any proceedings for judicial settlement or arbitration, submit the dispute for an advisory opinion to such technical body as the Council of the League of Nations may appoint for this purpose.

2. The advisory opinion shall be given within six months commencing from the day on which the dispute has been submitted to the technical body,



unless this period is prolonged by mutual agreement between the parties to the dispute. The technical body shall fix the period within which the parties are to decide whether they will accept the advisory opinion given by it.

3. The advisory opinion shall not be binding upon the parties to the dispute unless it is accepted by each of them.

4. Disputes which it has not been found possible to settle either directly or on the basis of the advice of the above-mentioned technical body shall, at the request of any one of the parties thereto, be brought before the Permanent Court of International Justice, unless a settlement is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded.

5. Proceedings shall be opened before the Permanent Court of International Justice in the manner laid down in Article 40 of the statute of the court.

6. A decision of the parties to a dispute to submit it for an advisory opinion to the technical body appointed by the Council of the League of Nations, or to resort to arbitration, shall be communicated to the Secretary-General of the League of Nations and by him to the other contracting parties, which shall have the right to intervene in the proceedings.

7. The parties to a dispute shall bring before the Permanent Court of International Justice any question of international law or question as to the interpretation of the present convention arising during proceedings before the technical body or arbitral tribunal, decision of which by the court is, on the demand of one of the parties, declared by the technical body or arbitral tribunal to be necessary for the settlement of the dispute.

#### ARTICLE 33

The present convention, of which the French and English texts are both authentic, shall bear to-day's date and shall be open for signature until the 30th day of September, 1925, by any state represented at the conference at which the present convention was drawn up, by any member of the League of Nations, and by any state to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

#### ARTICLE 34

The present convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to the members of the League which are signatories of the convention and to the other signatory states.

#### ARTICLE 35

After the 30th day of September, 1925, the present convention may be acceded to by any state represented at the conference at which this convention was drawn up and which has not signed the convention, by any member of



the League of Nations, or by any state to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to all the members of the League of Nations signatories of the convention and to the other signatory states.

#### ARTICLE 36

The present convention shall not come into force until it has been ratified by ten Powers, including seven of the states by which the Central Board is to be appointed in pursuance of Article 19, of which at least two must be permanent members of the Council of the League. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the last of the necessary ratifications. Thereafter, the present convention will take effect in the case of each party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the day of its coming into force.

#### ARTICLE 37

A special record shall be kept by the Secretary-General of the League of Nations showing which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the contracting parties and the members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

#### ARTICLE 38

The present convention may be denounced by an instrument in writing addressed to the Secretary-General of the League of Nations. The denunciation shall become effective one year after the date of the receipt of the instrument of denunciation by the Secretary-General, and shall operate only in respect of the contracting party which makes it.

The Secretary-General of the League of Nations shall notify the receipt of any such denunciations to all members of the League of Nations signatories of or adherents to the convention and to the other signatory or adherent states.

#### ARTICLE 39

Any state signing or acceding to the present convention may declare, at the moment either of its signature, ratification or accession, that its acceptance of the present convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories under

its sovereignty or authority, or in respect of which it has accepted a mandate on behalf of the League of Nations, and may subsequently accede, in conformity with the provisions of Article 35, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 38 shall apply to any such denunciation.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Geneva, the nineteenth day of February, one thousand nine hundred and twenty-five, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all the states represented at the conference and to all members of the League of Nations.

Albania:

B. BLINISHTI.

Germany:

H. VON ECKARDT.

[Translation.]

Subject to the reservation annexed to the Procès-verbal of the plenary meeting of February 16, 1925. H. v. E.

Austria:

EMERICH PFLÜGL.

[Translation.]

Subject to the provisional suspension of the application of Article 13, paragraph 4, the corresponding clause of Article 15, and Article 22, paragraph 2.

In view of the special circumstances in which it is situated, the Federal Government reserves the right to suspend provisionally, for so long as those circumstances continue, the application of the above-mentioned clauses providing for the despatch of a copy of the export authorization or diversion certificate to the government of the importing country. The Federal Government will, however, continue to apply the system of import and export certificates adopted on the recommendation of the Advisory Committee for Traffic in Opium and other Dangerous Drugs. For the same reasons, and again so long as the said special circumstances continue, the Federal Government reserves the right to suspend provisionally the application of the clause providing for the forwarding of quarterly statistics to the Central Board. It will, however, continue to make an annual report.\*

\* This reservation was withdrawn on May 27, 1926.

## Belgium:

FERNAND PELTZER

DR. FERD. DE MYTTENAERE.

## Brazil:

PEDRO PERNAMBUCO F.

H. GOTUZZO.

## British Empire:

MALCOLM DELEIVINGNE.

## Canada:

R. DANDURAND.

## Commonwealth of Australia:

M. L. SHEPHERD.

## Union of South Africa:

J. S. SMIT.

## New Zealand:

J. ALLEN.

Under Article 39 on behalf of New Zealand the convention is accepted for the mandated territory of Western Samoa. J. A. September 11, 1925.

## India:

R. SPERLING.

## Irish Free State:

MICHAEL MACWHITE.

## Bulgaria:

D. MIKOFF.

## Chile:

EMILIO BELLO-C.

## Cuba:

ARISTIDES DE AGÜERO Y BETHENCOURT.

## Denmark:

A. OLDENBURG.

[Translation.]

(Subject to ratification.)

## Spain:

EMILIO DE PALACIOS.

## France:

G. BOURGOIS.

A. KIRCHER.

[Translation.]

The French Government is compelled to make all reservations, as regards the colonies, protectorates and mandated territories under its authority, as to the possibility of regularly producing, within the strictly prescribed time-limit, the quarterly statistics provided for in paragraph 2 of Article 22.

## Greece:

*Ad referendum*

VASSILI DENDRAMIS.

## Hungary:

DR. BARANYAI ZOLTAN.

## Japan:

S. KAKU.

Y. SUGIMURA.

## Latvia:

W. G. SALNAIS.

## Luxemburg:

CH. G. VERMAIRE.

## Nicaragua:

A. SOTTILE.

## The Netherlands:

v. WETTUM.

J. B. M. COEBERGH.

A. D. A. DE KAT ANGELINO.

## Persia:

PRINCE ARFA-OD-DOVLEH MIRZA

RIZA KHAN.

[Translation.]

*Ad referendum* and subject to the League of Nations complying with the request made by Persia in the Memorandum O.D.C. 24.

## Poland:

CHODŹKO.

## Portugal:

A. M. BARTHOLOMEU FERREIRA.

R. J. RODRIGUES.

Kingdom of the Serbs, Croats and Slovenes:

M. JOVANOVITCH.

Siam:

DAMRAS.

Sudan:

WASEY STERRY.

Switzerland:

PAUL DINICHERT.

[Translation.]

With reference to the declaration made by the Swiss Delegation at the 36th plenary meeting of the conference, concerning the forwarding of the quarterly statistics provided for in Article 22, paragraph 2.

Czechoslovakia:

FERDINAND VEVERKA.

Uruguay:

E. E. BUERO.

#### PROTOCOL

The undersigned, representatives of certain states signatory to the Convention relating to Dangerous Drugs signed this day, duly authorized to that effect;

Taking note of the protocol signed the eleventh day of February one thousand nine hundred and twenty-five by the representatives of the states signatory to the agreement signed on the same day relating to the use of prepared opium:\*

Hereby agree as follows:

#### I

The states signatory to the present protocol, recognizing that under Chapter I of The Hague Convention the duty rests upon them of establishing such a control over the production, distribution and exportation of raw opium as would prevent the illicit traffic, agree to take such measures as may be required to prevent completely, within five years from the present date, the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium in those territories where such use is temporarily authorized.

#### II

The question whether the undertaking referred to in Article I has been completely executed shall be decided, at the end of the said period of five

\* See Treaty Series No. 13 (1928), Cmd. 3095.

years, by a commission to be appointed by the Council of the League of Nations.

### III

The present protocol shall come into force for each of the signatory states at the same time as the Convention relating to Dangerous Drugs signed this day. Articles 33 and 35 of the convention are applicable to the present protocol.

In faith whereof the present protocol was drawn up at Geneva the nineteenth day of February 1925, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all states represented at the conference and to all members of the League of Nations.

Albania:

B. BLINISHTI.

Germany:

H. VON ECKARDT.

British Empire:

MALCOLM DELEVINGNE.

Canada:

W. A. RIDDELL.

Commonwealth of Australia:

M. L. SHEPHERD.

Union of South Africa:

J. S. SMIT.

New Zealand:

J. ALLEN.

India:

R. SPERLING.

Bulgaria:

D. MIKOFF.

Chile:

EMILIO BELLO-C.

Cuba:

ARISTIDES DE AGÜERO Y  
BETHENCOURT.

Greece:

*Ad referendum*  
VASSILI DENDRAMIS.

Japan:

S. KAKU.

Y. SUGIMURA.

Latvia:

W. G. SALNAIS.

Luxemburg:

CH. G. VERMAIRE.

Nicaragua:

A. SOTTILE.

The Netherlands:

V. WETTUM.

J. B. M. COEBERGH.

A. D. A. DE KAT ANGELINO.

Persia:

PRINCE ARFA-OD-DOVLEH  
MIRZA RIZA KHAN.

Portugal:

A. M. BARTHOLOMEU FER-  
REIRA.

R. J. RODRIGUES.

Kingdom of the Serbs, Croats  
and Slovenes:

M. JOVANOVITCH.

Siam:

DAMRAS.

Sudan:

WASEY STERRY.

Czechoslovakia:

FERDINAND VEVERKA.



## APPENDIX

*List of Signatures, Ratifications and Accessions, February 19, 1925, to  
October 31, 1928*

Signed (February 19, 1925, or before closing date)	Ratified	Acceded
Albania.		P. Bahamas (Oct. 22, 1926).
Austria.....	Nov. 25, 1927	P. Bolivia   (Jan. 19, 1927).
Belgium*.....	Aug. 24, 1927	Danzig (June 16, 1927).
Brazil.		Dominican Republic (July 19, 1928).
P. British Empire†.....	Feb. 17, 1926	P. Egypt (Mar. 16, 1926).
P. Canada.....	June 27, 1928	P. Finland (Dec. 5, 1927).
P. Australia.....	Feb. 17, 1926	Italy-¶ (Sept. 17, 1928).
P. South Africa.....	Feb. 17, 1926	Monaco (Feb. 9, 1927).
P. New Zealand.....	Feb. 17, 1926	New Hebrides** (Dec. 27, 1927).
India.....	Feb. 17, 1926	
Irish Free State.		
P. Bulgaria.....	Mar. 9, 1927	P. Roumania (May 18, 1928).
Chile.		P. Salvador (Dec. 2, 1926).
Cuba.		San Marino (April 21, 1926).
Czechoslovakia.....	April 11, 1927	P. Sarawak (Mar. 11, 1926).
Denmark.		P. Venezuela   (June 25, 1927).
France.....	July 2, 1927	
Germany.		
Greece.		
Hungary.		
P. Japan.....	Oct. 10, 1928	
P. Latvia.....	Oct. 31, 1928	
Luxemburg.....	Mar. 27, 1928	
P. Netherlands‡.....	June 4, 1928	
Nicaragua.		
Persia.		
Poland and Danzig.....	June 16, 1927	
P. Portugal.....	Sept. 13, 1926	
Serb-Croat-Slovene State.		
Siam.		
Spain§.....	June 22, 1928	
P. Sudan.....	Feb. 20, 1926	
Switzerland.		
Uruguay.		

\* *Belgium*.—The ratification does not apply to the Belgian Congo or to the mandated territory of Ruanda Urundi.

† *British Empire*.—The ratification did not cover Sarawak and the Bahamas, which acceded later (see list of accessions).

‡ *Netherlands*.—Including also Netherlands Indies, Surinam and Curaçao.

§ *Spain*.—Including also Spanish colonies, with the exception of the Spanish Protectorate in Morocco.

|| These accessions are subject to ratification.

¶ *Italy*.—Including also the Italian colonies.

\*\* *New Hebrides*.—On the 24th December, 1927, a declaration regarding the application of the convention to the New Hebrides, was signed at Berne by the French Ambassador and His Majesty's Chargé d'Affaires. This declaration was deposited with the League of Nations on the 27th December, 1927.

P. These ratifications and accessions apply also to the Protocol.

## PAN-AMERICAN TRADE MARK CONFERENCE

*Washington, February 11-20, 1929*GENERAL INTER-AMERICAN CONVENTION FOR TRADE MARK  
AND COMMERCIAL PROTECTION\*

The Governments of Peru, Bolivia, Paraguay, Ecuador, Uruguay, Dominican Republic, Chile, Panama, Venezuela, Costa Rica, Cuba, Guatemala, Haiti, Colombia, Brazil, Mexico, Nicaragua, Honduras and the United States of America, represented at the Pan American Trade Mark Conference at Washington in accordance with the terms of the resolution adopted on February 15, 1928, at the Sixth International Conference of American States at Habana, and the resolution of May 2, 1928, adopted by the Governing Board of the Pan American Union at Washington,

Considering it necessary to revise the Convention for the Protection of Commercial, Industrial, and Agricultural Trade Marks and Commercial Names, signed at Santiago, Chile, on April 28, 1923,<sup>1</sup> which replaced the Convention for the Protection of Trade Marks signed at Buenos Aires on August 20, 1910, with a view of introducing therein the reforms which the development of law and practice have made advisable;

Animated by the desire to reconcile the different juridical systems which prevail in the several American Republics; and

Convinced of the necessity of undertaking this work in its broadest scope, with due regard for the respective national legislations,

Have resolved to negotiate the present convention for the protection of trade marks, trade names and for the repression of unfair competition and false indications of geographical origin, and for this purpose have appointed as their respective delegates,

Peru:	Panama:
Alfredo Gonzalez-Prada.	Ricardo J. Alfaro.
Bolivia:	Juan B. Chevalier.
Emeterio Cano de la Vega.	Venezuela:
Paraguay:	Pedro R. Rincones.
Juan V. Ramirez.	Costa Rica:
Ecuador:	Manuel Castro Quesada.
Gonzalo Zaldumbide.	Fernando E. Piza.
Uruguay:	Cuba:
J. Varela Acevedo.	Gustavo Gutierrez.
Dominican Republic:	Alfredo Bufill.
Francisco de Moya.	Guatemala:
Chile:	Adrian Recinos.
Oscar Blanco Viel.	Ramiro Fernandez.

\* Published by the Pan American Union, Washington, D. C.

<sup>1</sup> Printed in Supplement to this JOURNAL, Vol. 21 (1927), p. 92.

## Haiti:

Raoul Lizaïre.

## Colombia:

Roberto Botero Escobar.

Pablo Garcia de la Parra.

## Brazil:

Carlos Delgado de Carvalho.

## Mexico:

Francisco Suastegui.

## Nicaragua:

Vicente Vita.

## Honduras:

Carlos Izaguirre V.

## United States of America:

Francis White.

Thomas E. Robertson.

Edward S. Rogers.

Who, after having deposited their credentials, which were found to be in good and due form by the conference, have agreed as follows:

## CHAPTER I

*Equality of Citizens and Aliens as to Trade Mark and Commercial Protection*

## ARTICLE 1

The contracting states bind themselves to grant to the nationals of the other contracting states and to domiciled foreigners who own a manufacturing or commercial establishment or an agricultural development in any of the states which have ratified or adhered to the present convention the same rights and remedies which their laws extend to their own nationals or domiciled persons with respect to trade marks, trade names, and the repression of unfair competition and false indications of geographical origin or source.

## CHAPTER II

*Trade Mark Protection*

## ARTICLE 2

The person who desires to obtain protection for his marks in a country other than his own, in which this convention is in force, can obtain protection either by applying directly to the proper office of the state in which he desires to obtain protection, or through the Inter-American Trade Mark Bureau referred to in the Protocol on the Inter-American Registration of Trade Marks, if this protocol has been accepted by his country and the country in which he seeks protection.

## ARTICLE 3

Every mark duly registered or legally protected in one of the contracting states shall be admitted to registration or deposit and legally protected in the other contracting states, upon compliance with the formal provisions of the domestic law of such states.

Registration or deposit may be refused or cancelled of marks:

1. The distinguishing elements of which infringe rights already acquired by another person in the country where registration or deposit is claimed.

2. Which lack any distinctive character or consist exclusively of words, symbols, or signs which serve in trade to designate the class, kind, quality, quantity, use, value, place of origin of the products, time of production, or which are or have become at the time registration or deposit is sought, generic or usual terms in current language or in the commercial usage of the country where registration or deposit is sought, when the owner of the marks seeks to appropriate them as a distinguishing element of his mark.

In determining the distinctive character of a mark, all the circumstances existing should be taken into account, particularly the duration of the use of the mark and if in fact it has acquired in the country where deposit, registration or protection is sought, a significance distinctive of the applicant's goods.

3. Which offend public morals or which may be contrary to public order.

4. Which tend to expose persons, institutions, beliefs, national symbols or those of associations of public interest, to ridicule or contempt.

5. Which contain representations of racial types or scenes typical or characteristic of any of the contracting states, other than that of the origin of the mark.

6. Which have as a principal distinguishing element, phrases, names or slogans which constitute the trade name or an essential or characteristic part thereof, belonging to some person engaged in any of the other contracting states in the manufacture, trade or production of articles or merchandise of the same class as that to which the mark is applied.

#### ARTICLE 4

The contracting states agree to refuse to register or to cancel the registration and to prohibit the use, without authorization by competent authority, of marks which include national and state flags and coats-of-arms, national or state seals, designs on public coins and postage stamps, official labels, certificates or guarantees, or any national or state official insignia or simulations of any of the foregoing.

#### ARTICLE 5

Labels, industrial designs, slogans, prints, catalogues or advertisements used to identify or to advertise goods, shall receive the same protection accorded to trade marks in countries where they are considered as such, upon complying with the requirements of the domestic trade mark law.

#### ARTICLE 6

The contracting states agree to admit to registration or deposit and to protect collective marks and marks of associations, the existence of which is not contrary to the laws of the country of origin, even when such associations do not own a manufacturing, industrial, commercial or agricultural establishment.

Each country shall determine the particular conditions under which such marks may be protected.

States, provinces or municipalities, in their character of corporations, may own, use, register or deposit marks and shall in that sense enjoy the benefits of this convention.

#### ARTICLE 7

Any owner of a mark protected in one of the contracting states in accordance with its domestic law, who may know that some other person is using or applying to register or deposit an interfering mark in any other of the contracting states, shall have the right to oppose such use, registration or deposit and shall have the right to employ all legal means, procedure or recourse provided in the country in which such interfering mark is being used or where its registration or deposit is being sought, and upon proof that the person who is using such mark or applying to register or deposit it, had knowledge of the existence and continuous use in any of the contracting states of the mark on which opposition is based upon goods of the same class, the opposer may claim for himself the preferential right to use such mark in the country where the opposition is made or priority to register or deposit it in such country, upon compliance with the requirements established by the domestic legislation in such country and by this convention.

#### ARTICLE 8

When the owner of a mark seeks the registration or deposit of the mark in a contracting state other than that of origin of the mark and such registration or deposit is refused because of the previous registration or deposit of an interfering mark, he shall have the right to apply for and obtain the cancellation or annulment of the interfering mark upon proving, in accordance with the legal procedure of the country in which cancellation is sought, the stipulations in paragraph (a) and those of either paragraph (b) or (c) below:

(a) That he enjoyed legal protection for his mark in another of the contracting states prior to the date of the application for the registration or deposit which he seeks to cancel; and

(b) that the claimant of the interfering mark, the cancellation of which is sought, had knowledge of the use, employment, registration or deposit in any of the contracting states of the mark for the specific goods to which said interfering mark is applied, prior to adoption and use thereof or prior to the filing of the application or deposit of the mark which is sought to be cancelled; or

(c) that the owner of the mark who seeks cancellation based on a prior right to the ownership and use of such mark, has traded or trades with or in the country in which cancellation is sought, and that goods designated by his mark have circulated and circulate in said country from a date prior to the filing of the application for registration or deposit for the mark, the cancellation which is claimed, or prior to the adoption and use of the same.



## ARTICLE 9

When the refusal of registration or deposit of a mark is based on a registration previously effected in accordance with this convention, the owner of the refused mark shall have the right to request and obtain the cancellation of the mark previously registered or deposited, by proving, in accordance with the legal procedure of the country in which he is endeavoring to obtain registration or deposit of his mark, that the registrant of the mark which he desires to cancel, has abandoned it. The period within which a mark may be declared abandoned for lack of use shall be determined by the internal law of each country, and if there is no provision in the internal law, the period shall be two years and one day beginning from the date of registration or deposit if the mark has never been used, or one year and one day if the abandonment or lack of use took place after the mark has been used.

## ARTICLE 10

The period of protection granted to marks registered, deposited or renewed under this convention, shall be the period fixed by the laws of the state in which registration, deposit or renewal is made at the time when made.

Once the registration or deposit of a mark in any contracting state has been effected, each such registration or deposit shall exist independently of every other and shall not be affected by changes that may occur in the registration or deposit of such mark in the other contracting states, unless otherwise provided by domestic law.

## ARTICLE 11

The transfer of the ownership of a registered or deposited mark in the country of its original registration shall be effective and shall be recognized in the other contracting states, provided that reliable proof be furnished that such transfer has been executed and registered in accordance with the internal law of the state in which such transfer took place. Such transfer shall be recorded in accordance with the legislation of the country in which it is to be effective.

The use and exploitation of trade marks may be transferred separately for each country, and such transfer shall be recorded upon the production of reliable proof that such transfer has been executed in accordance with the internal law of the state in which such transfer took place. Such transfer shall be recorded in accordance with the legislation of the country in which it is to be effective.

## ARTICLE 12

Any registration or deposit which has been effected in one of the contracting states, or any pending application for registration or deposit, made by an agent, representative or customer of the owner of a mark in which a right has been acquired in another contracting state through its registration,



prior application or use, shall give to the original owner the right to demand its cancellation or refusal in accordance with the provisions of this convention and to request and obtain the protection for himself, it being considered that such protection shall revert to the date of the application of the mark so denied or cancelled.

#### ARTICLE 13

The use of a trade mark by its owner in a form different in minor or non-substantial elements from the form in which the mark has been registered in any of the contracting states, shall not entail forfeiture of the registration or impair the protection of the mark.

In case the form or distinctive elements of the mark are substantially changed, or the list of goods to which it is to be applied is modified or increased, the proprietor of the mark may be required to apply for a new registration, without prejudice to the protection of the original mark or in respect to the original list of goods.

The requirements of the laws of the contracting states with respect to the legend which indicates the authority for the use of trade marks, shall be deemed fulfilled in respect to goods of foreign origin if such marks carry the words or indications legally used or required to be used in the country of origin of the goods.

### CHAPTER III

#### *Protection of Commercial Names*

#### ARTICLE 14

Trade names or commercial names of persons entitled to the benefits of this convention shall be protected in all the contracting states. Such protection shall be enjoyed without necessity of deposit or registration, whether or not the name forms part of a trade mark.

#### ARTICLE 15

The names of an individual, surnames and trade names used by manufacturers, industrialists, merchants or agriculturists to denote their trade or calling, as well as the firm's name, the name or title legally adopted and used by associations, corporations, companies or manufacturing, industrial, commercial or agricultural entities, in accordance with the provisions of the respective national laws, shall be understood to be commercial names.

#### ARTICLE 16

The protection which this convention affords to commercial names shall be:

(a) to prohibit the use or adoption of a commercial name identical with or deceptively similar to one legally adopted and previously used by another engaged in the same business in any of the contracting states; and

(b) to prohibit the use, registration or filing of a trade mark the distinguishing elements of which consist of the whole or an essential part of a commercial name legally adopted and previously used by another owner domiciled or established in any of the contracting states, engaged in the manufacture, sale or production of products or merchandise of the same kind as those for which the trade mark is intended.

#### ARTICLE 17

Any manufacturer, industrialist, merchant or agriculturist domiciled or established in any of the contracting states, may, in accordance with the law and the legal procedure of such countries, oppose the adoption, use, registration or deposit of a trade mark for products or merchandise of the same class as those sold under his commercial name, when he believes that such trade mark or the inclusion in it of the trade or commercial name or a simulation thereof may lead to error or confusion in the mind of the consumer with respect to such commercial name legally adopted and previously in use.

#### ARTICLE 18

Any manufacturer, industrialist, merchant or agriculturist domiciled or established in any of the contracting states may, in accordance with the law and procedure of the country where the proceeding is brought, apply for and obtain an injunction against the use of any commercial name or the cancellation of the registration or deposit of any trade mark, when such name or mark is intended for use in the manufacture, sale or production of articles or merchandise of the same class, by proving:

(a) that the commercial name or trade mark, the enjoining or cancellation of which is desired, is identical with or deceptively similar to his commercial name already legally adopted and previously used in any of the contracting states, in the manufacture, sale or production of articles of the same class, and

(b) that prior to the adoption and use of the commercial name, or to the adoption and use or application for registration or deposit of the trade mark, the cancellation of which is sought, or the use of which is sought to be enjoined, he used and continues to use for the manufacture, sale or production of the same products or merchandise his commercial name adopted and previously used in any of the contracting states or in the state in which cancellation or injunction is sought.

#### ARTICLE 19

The protection of commercial names shall be given in accordance with the internal legislation and by the terms of this convention, and in all cases where the internal legislation permits, by the competent governmental or administrative authorities whenever they have knowledge or reliable proof of their legal existence and use, or otherwise upon the motion of any interested party.

## CHAPTER IV

*Repression of Unfair Competition*

## ARTICLE 20

Every act or deed contrary to commercial good faith or to the normal and honorable development of industrial or business activities shall be considered as unfair competition and, therefore, unjust and prohibited.

## ARTICLE 21

The following are declared to be acts of unfair competition and unless otherwise effectively dealt with under the domestic laws of the contracting states shall be repressed under the provisions of this convention:

(a) Acts calculated directly or indirectly to represent that the goods or business of a manufacturer, industrialist, merchant or agriculturist are the goods or business of another manufacturer, industrialist, merchant or agriculturist of any of the other contracting states, whether such representation be made by the appropriation or simulation of trade marks, symbols, distinctive names, the imitation of labels, wrappers, containers, commercial names, or other means of identification;

(b) The use of false descriptions of goods, by words, symbols or other means tending to deceive the public in the country where the acts occur, with respect to the nature, quality, or utility of the goods;

(c) The use of false indications of geographical origin or source of goods, by words, symbols, or other means which tend in that respect to deceive the public in the country in which these acts occur;

(d) To sell, or offer for sale to the public an article, product or merchandise of such form or appearance that even though it does not bear directly or indirectly an indication of origin or source, gives or produces, either by pictures, ornaments, or language employed in the text, the impression of being a product, article or commodity originating, manufactured or produced in one of the other contracting states;

(e) Any other act or deed contrary to good faith in industrial, commercial or agricultural matters which, because of its nature or purpose, may be considered analogous or similar to those above mentioned.

## ARTICLE 22

The contracting states which may not yet have enacted legislation repressing the acts of unfair competition mentioned in this chapter, shall apply to such acts the penalties contained in their legislation on trade marks or in any other statutes, and shall grant relief by way of injunction against the continuance of said acts at the request of any party injured; those causing such injury shall also be answerable in damages to the injured party.

## CHAPTER V

*Repression of False Indications of Geographical Origin or Source*

## ARTICLE 23

Every indication of geographical origin or source which does not actually correspond to the place in which the article, product or merchandise was fabricated, manufactured, produced or harvested, shall be considered fraudulent and illegal, and therefore prohibited.

## ARTICLE 24

For the purposes of this convention the place of geographical origin or source shall be considered as indicated when the geographical name of a definite locality, region, country or nation, either expressly and directly, or indirectly, appears on any trade mark, label, cover, packing or wrapping, of any article, product or merchandise, directly or indirectly thereon, provided that said geographical name serves as a basis for or is the dominant element of the sentences, words or expressions used.

## ARTICLE 25

Geographical names indicating geographical origin or source are not susceptible of individual appropriation, and may be freely used to indicate the origin or source of the products or merchandise or his commercial domicile, by any manufacturer, industrialist, merchant or agriculturist established in the place indicated or dealing in the products there originating.

## ARTICLE 26

The indication of the place of geographical origin or source, affixed to or stamped upon the product or merchandise, must correspond exactly to the place in which the product or merchandise has been fabricated, manufactured or harvested.

## ARTICLE 27

Names, phrases or words, constituting in whole or in part geographical terms which through constant, general and reputable use in commerce have come to form the name or designation itself of the article, product or merchandise to which they are applied, are exempt from the provisions of the preceding articles; this exception, however, does not include regional indications of origin of industrial or agricultural products the quality and reputation of which to the consuming public depend on the place of production or origin.

## ARTICLE 28

In the absence of any special remedies insuring the repression of false indications of geographical origin or source, remedies provided by the domestic sanitary laws, laws dealing with misbranding and the laws relating to trade marks or trade names, shall be applicable in the contracting states.

## CHAPTER VI

*Remedies*

## ARTICLE 29

The manufacture, exportation, importation, distribution, or sale is forbidden of articles or products which directly or indirectly infringe any of the provisions of this convention with respect to trade mark protection; protection and safeguard of commercial names; repression of unfair competition; and repression of false indications of geographical origin or source.

## ARTICLE 30

Any act prohibited by this convention will be repressed by the competent administrative or judicial authorities of the government of the state in which the offense was committed, by the legal methods and procedure existing in said country, either by official action, or at the request of interested parties, who may avail themselves of the rights and remedies afforded by the laws to secure indemnification for the damage and loss suffered; the articles, products or merchandise or their marks, which are the instrumentality of the acts of unfair competition, shall be liable to seizure or destruction, or the offending markings obliterated, as the case may be.

## ARTICLE 31

Any manufacturer, industrialist, merchant or agriculturist, interested in the production, manufacture, or trade in the merchandise or articles affected by any prohibited act or deed, as well as his agents or representatives in any of the contracting states and the consular officers of the state to which the locality or region falsely indicated as the place to which belongs the geographical origin or source, shall have sufficient legal authority to take and prosecute the necessary actions and proceedings before the administrative authorities and the courts of the contracting states.

The same authority shall be enjoyed by official commissions or institutions and by syndicates or associations which represent the interests of industry, agriculture or commerce and which have been legally established for the defense of honest and fair trade methods.

## CHAPTER VII

*General Provisions*

## ARTICLE 32

The administrative authorities and the courts shall have sole jurisdiction over administrative proceedings and administrative judgments, civil or criminal, arising in matters relating to the application of the national law.

Any differences which may arise with respect to the interpretation or application of the principles of this convention shall be settled by the courts of



justice of each state, and only in case of the denial of justice shall they be submitted to arbitration.

#### ARTICLE 33

Each of the contracting states, in which it does not yet exist, hereby agrees to establish a protective service, for the suppression of unfair competition and false indication of geographic origin or source, and to publish for opposition in the official publication of the government, or in some other periodical, the trade marks solicited and granted as well as the administrative decisions made in the matter.

#### ARTICLE 34

The present convention shall be subject to periodic revision with the object of introducing therein such improvements as experience may indicate, taking advantage of any international conferences held by the American States, to which each country shall send a delegation in which it is recommended that there be included experts in the subject of trade marks, in order that effective results may be achieved.

The national administration of the country in which such conferences are held shall prepare, with the assistance of the Pan-American Union and the Inter-American Trade Mark Bureau, the work of the respective conference.

The Director of the Inter-American Trade Mark Bureau may attend the sessions of such conferences and may take part in the discussions, but shall have no vote.

#### ARTICLE 35

The provisions of this convention shall have the force of law in those states in which international treaties possess that character, as soon as they are ratified by their constitutional organs.

The contracting states in which the fulfillment of international agreements is dependent upon the enactment of appropriate laws, on accepting in principle this convention, agree to request of their legislative bodies the enactment of the necessary legislation in the shortest possible period of time and in accordance with their constitutional provisions.

#### ARTICLE 36

The contracting states agree that, as soon as this convention becomes effective, the Trade Mark Conventions of 1910 and 1923 shall automatically cease to have effect; but any rights which have been acquired, or which may be acquired thereunder, up to the time of the coming into effect of this convention, shall continue to be valid until their due expiration.

#### ARTICLE 37

The present convention shall be ratified by the contracting states in conformity with their respective constitutional procedures.



The original convention and the instruments of ratification shall be deposited with the Pan American Union which shall transmit certified copies of the former and shall communicate notice of such ratifications to the other signatory governments, and the convention shall enter into effect for the contracting states in the order that they deposit their ratifications.

This convention shall remain in force indefinitely, but it may be denounced by means of notice given one year in advance, at the expiration of which it shall cease to be in force as regards the party denouncing the same, but shall remain in force as regards the other states. All denunciations shall be sent to the Pan American Union which will thereupon transmit notice thereof to the other contracting states.

The American States which have not subscribed to this convention may adhere thereto by sending the respective official instrument to the Pan American Union which, in turn, will notify the governments of the remaining contracting states in the manner previously indicated.

In witness whereof the above named delegates have signed this convention in English, Spanish, Portuguese and French, and thereto have affixed their respective seals.

Done in the City of Washington, on the twentieth day of February in the year one thousand nine hundred and twenty-nine.

[SEAL]	A. GONZÁLEZ PRADA.
[SEAL]	EMETERIO CANO DE LA VEGA.
[SEAL]	JUAN VICENTE RAMÍREZ.
[SEAL]	GONZALO ZALDUMBIDE.
[SEAL]	VARELA.
[SEAL]	FRANCISCO DE MOYA.
[SEAL]	OSCAR BLANCO VIEL.

[Translation.] I subscribe to the present convention as to those stipulations which are not contrary to national legislation of my country, making express reservation as regards stipulations of this Convention on which there is no legislation in Chile.

R. J. ALFARO.	[SEAL]
JUAN B. CHEVALIER.	[SEAL]
P. R. RINCONES.	[SEAL]
MANUEL CASTRO QUESADA.	[SEAL]
F. E. PIZA.	[SEAL]
GUSTAVO GUTIÉRREZ.	[SEAL]
A. L. BUFILL.	[SEAL]
[SEAL]	ADRIÁN RECINOS.
[SEAL]	RAMIRO FERNÁNDEZ.
[SEAL]	RAOUL LIZAIRE.
[SEAL]	PABLO GARCÍA DE LA PARRA.
[SEAL]	CARLOS DELGADO DE CÁRVALHO.
[SEAL]	F. SUÁSTEGUI.

[SEAL]	VICENTE VITA.	
CARLOS IZAGUIRRE V.		[SEAL]
EDWARD S. ROGERS.		[SEAL]
THOMAS E. ROBERTSON.		[SEAL]
FRANCIS WHITE.		[SEAL]

## PROTOCOL ON THE INTER-AMERICAN REGISTRATION OF TRADE MARKS\*

Whereas, the Governments of Peru, Bolivia, Paraguay, Ecuador, Uruguay, Dominican Republic, Chile, Panama, Venezuela, Costa Rica, Cuba, Guatemala, Haiti, Colombia, Brazil, Mexico, Nicaragua, Honduras and the United States of America have this day signed at Washington through their respective delegates a General Inter-American Convention for Trade Mark and Commercial Protection;

Whereas, the maintenance of an international American agency is considered desirable that manufacturers, industrialists, merchants and agriculturists may enjoy the trade mark and commercial protection which that convention grants them, and that it may serve as a center of information, and coöperate in the fulfillment and improvement of the provisions of the convention;

Whereas, the adoption of a general convention and a protocol may facilitate ratification among the contracting states and adherence among the American Republics which have not taken part in the negotiations, since acceptance of the convention does not imply acceptance of this instrument,

The above mentioned governments have agreed as follows:

## ARTICLE 1

Natural or juridical persons domiciled in or those who possess a manufacturing or commercial establishment or an agricultural enterprise in any of the states that may have ratified or adhered to the present protocol, may obtain the protection of their trade marks through the registration of such marks in the Inter-American Trade Mark Bureau.

## ARTICLE 2

The owner of a mark registered or deposited in one of the contracting states who desires to register it in any of the other contracting states, shall file an application to this effect in the office of the country of original registration which office shall transmit it to the Inter-American Trade Mark Bureau, complying with the regulations. A postal money order or draft on a bank of recognized standing, in the amount of \$50.00, as a fee for the Inter-American Trade Mark Bureau, plus the amount of the fees required by the national law of each of the countries in which he desires to obtain protection for his mark, shall accompany such application.

\* Published by the Pan American Union, Washington, D. C.

## ARTICLE 3

Immediately on receipt of the application for the registration of a mark, and on determining that it fulfills all the requirements, the Inter-American Trade Mark Bureau shall issue a certificate and shall transmit by registered mail copies of the same accompanied by a money order for the amount required by the respective offices of the states in which protection is desired. In the case of adhesions or ratifications of additional states after the registration of a mark, the Inter-American Bureau shall, through the respective offices of their countries, inform the proprietors of marks registered through the Bureau, of said adhesions or ratifications, informing them of the right that they have to register their marks in the new adhering or ratifying states, in which registration shall be effected in the manner above mentioned.

## ARTICLE 4

Each of the contracting states, through its Trade Mark Office, shall immediately acknowledge to the Inter-American Bureau, the receipt of the application for registration of each mark, and shall proceed to carry through the proceedings with every possible dispatch, directing that the application be published at the expense of the applicant in the usual official papers, and at the proper time shall notify the Inter-American Bureau of the action that it may have taken in accordance with its internal legislation and the provisions of this convention.

In case protection is granted to the mark, it shall issue a certificate of registration in which shall be indicated the legal period of registration; which certificate shall be issued with the same formalities as national certificates and shall have the same effect in so far as ownership of the mark is concerned. This certificate of registration shall be sent to the Inter-American Trade Mark Bureau, which shall transmit it to the proprietor of the mark through the proper office of the country of origin.

If, within seven months after the receipt by a contracting state of an application for the protection of a trade mark transmitted by the Inter-American Trade Mark Bureau, the administration of such state does not communicate to the Bureau notice of refusal of protection based on the provisions of its domestic legislation or on the provisions of the General Inter-American Convention for Trade Mark and Commercial Protection such mark shall be considered as registered and the Inter-American Trade Mark Bureau shall so communicate to the applicant through the country of origin, and shall issue a special certificate which shall have the same force and legal value as a national certificate.

In case protection of a mark is refused in accordance with the provisions of the internal legislation of a state or of the General Inter-American Convention for Trade Mark and Commercial Protection, the applicant may have the same recourse which the respective laws grant to the citizens of the state refusing protection. The period within which the recourse and actions

granted by national laws may be exercised shall begin four months after receipt by the Inter-American Trade Mark Bureau of the notice of refusal.

The Inter-American registration of a trade mark communicated to the contracting states, which may already enjoy protection in such states shall replace any other registration of the same mark effected previously by any other means, without prejudice to the rights already acquired by national registration.

#### ARTICLE 5

In order to effect the transfer of ownership of a trade mark or the assignment of the use of the same, the same procedure as that set forth in the foregoing articles shall be followed, except that in this case there shall only be remitted to the Inter-American Bureau \$10.00, to be retained by said Bureau, plus the fees fixed by the domestic legislation of each one of the countries in which it is desired to register the transfer or assignment of the mark, it being understood that the use of trade marks may be transferred separately in each country.

#### ARTICLE 6

If the applicant claims color as a distinctive element of his mark he shall be required to:

1. Send a statement attached to the application for registration declaring the color or the combination of colors which he claims; and
2. Attach to the application for registration copies or specimens of the mark as actually used, showing the colors claimed, which shall be attached to the notifications sent by the Inter-American Bureau. The number of copies to be sent shall be fixed by the regulations.

#### ARTICLE 7

Trade marks shall be published in a bulletin edited by the Inter-American Bureau, wherein shall appear the matter contained in the application for registration and an electrotype of the mark supplied by the applicant.

Each administration of the contracting states shall receive free of charge from the Inter-American Bureau as many copies of the above mentioned publication as it may ask for.

The publication of a mark in the bulletin of the Inter-American Bureau shall have the same effect as publication in the official journals or bulletins of the contracting states.

#### ARTICLE 8

The Inter-American Bureau, on receipt of payment of a fee to be fixed by the regulations, shall furnish to any person who may so request, copies of the entries made in the register with reference to any particular mark.

## ARTICLE 9

The Inter-American Trade Mark Bureau shall keep a record of renewals which have been effected in compliance with the requirements of the domestic laws of the contracting states, and after payment of a fee of \$10.00 to the Inter-American Trade Mark Bureau and the customary fees required by the states where said renewal is effected.

Six months prior to the expiration of the period of protection, the Inter-American Bureau shall communicate this information to the administration of the country of origin and to the owner of the mark.

## ARTICLE 10

The owner of a trade mark may at any time relinquish protection in one or several of the contracting states, by means of a notice sent to the administration of the country of origin of the mark, to be communicated to the Inter-American Bureau, which in turn shall notify the countries concerned.

## ARTICLE 11

An applicant for registration or deposit, transfer or renewal of a trade mark through the Inter-American Bureau, may appoint by a proper power of attorney at any time, an agent or attorney to represent him in any procedure, administrative, judicial or otherwise, arising in connection with such trade marks or application in any contracting state.

Such agents or attorneys shall be entitled to notice of all the proceedings and to receive and present all documents that may be required by the Trade Mark Bureau of each country under the provisions of this protocol.

## ARTICLE 12

The administration in the country of origin shall notify the Inter-American Bureau of all annulments, cancellations, renunciations, transfers and all other changes in the ownership or use of the mark.

The Inter-American Bureau shall record these changes, notify the administrations of the contracting states and publish them immediately in its bulletin.

The same procedure shall be followed when the proprietor of the mark requests a reduction in the list of products to which the trade mark is applied.

The subsequent addition of a new product to the list may not be obtained except by a new registration of the mark according to the provisions of Article 2 of this protocol. The same procedure shall be followed in the case of the substitution of one product for another.

## ARTICLE 13

The contracting states bind themselves to send through their respective national trade mark offices, as soon as they are published, two copies of the official bulletins or publications in which judicial or administrative decisions



or resolutions, laws, decrees, regulations, circulars, or any other provisions emanating from the executive, legislative or judicial authorities may appear and which refer to the protection of trade marks, the protection of commercial names, the repression of unfair competition and of false indications of origin, whether of an administrative, civil or penal nature.

#### ARTICLE 14

In order to comply with this protocol, and to facilitate the inter-American registration of trade marks, the contracting states establish as their international agency the Bureau located in Habana, Republic of Cuba, referred to as the "Inter-American Trade Mark Bureau," and confer upon its official correspondence the postal frank.

#### ARTICLE 15

The Inter-American Trade Mark Bureau shall perform the duties specified in this protocol and in the regulations appended hereto, and shall be supported in part by the fees received for handling trade marks and in part by the quotas assigned to the contracting states. These quotas shall be paid directly and in advance to the Bureau in yearly installments and shall be determined in the following manner:

The population of each contracting state ratifying this protocol shall be determined by its latest official census, the number of inhabitants to be divided into units of 100,000 each, fractions above 50,000 to be considered as a full unit, and those under to be disregarded. The annual budget shall be divided by the total number of units, thereby determining the quota per unit. The contribution of each state to the Inter-American Bureau shall be determined by multiplying the quota per unit by the number of units allotted to each state.

Upon receipt of new ratifications and adhesions to this protocol, the same procedure shall be followed with respect to such states, the quota of each to be determined by adding these additional units and thus determining the quota per unit.

It is expressly agreed that this annual contribution will continue to be paid only so long as the other revenues of the Bureau are not sufficient to cover the expenses of its maintenance. So long as this situation exists, the latest census of population will be used each year and, on the basis of official data furnished by each contracting state, the changes in population shall be made and the quotas determined anew before fixing the contributions to be paid by those states. Once the Bureau becomes self-supporting through its own receipts, the balance remaining from the quotas shall be returned to the states in proportion to the amounts received from them.

At the end of each year the Inter-American Bureau shall prepare a statement of fees and contributions received and after making provision for its budgetary requirements for the following year and setting aside a reserve



fund, shall return the balance to the contracting states in proportion to the quotas paid by them.

The budget of the Bureau and the reserve fund to be maintained shall be submitted by the Director of the Bureau and approved by the chief executive of the state in which the Bureau is established. The Director of the Bureau shall also submit an annual report to all ratifying states, for their information.

#### ARTICLE 16

In case the Bureau should cease to exist, it shall be liquidated under the supervision of the Government of Cuba, the balance of the funds remaining to be distributed among the contracting states in the same proportion as they contributed to its support. The buildings and other tangible property of the Bureau shall become the property of the Government of Cuba in recognition of the services of that Republic in giving effect to this protocol; the Government of Cuba agreeing to dedicate such property to purposes essentially inter-American in character.

The contracting states agree to accept as final any steps that may be taken for the liquidation of the Bureau.

#### ARTICLE 17

The provisions of this protocol shall have the force of law in those states in which international treaties possess that character, as soon as they are ratified by their constitutional organs.

The contracting states in which the fulfillment of international agreements is dependent upon the enactment of appropriate laws, on accepting in principle this protocol, agree to request of their legislative bodies the enactment of the necessary legislation in the shortest possible period of time and in accordance with their constitutional provisions.

#### ARTICLE 18

The contracting states agree that, as soon as this protocol becomes effective, the Trade Mark Conventions of 1910 and 1923 shall automatically cease to have effect in so far as they relate to the organization of the Inter-American Bureau; but any rights which have been or which may be acquired in accordance with the provisions of said conventions, up to the time of the coming into effect of this protocol, shall continue to be valid until their due expiration.

#### ARTICLE 19

The present protocol shall be ratified by the contracting states, in accordance with their respective constitutional procedure, after they shall have ratified the "General Inter-American Convention for Trade Mark and Commercial Protection."

The original protocol and the instruments of ratification shall be deposited

with the Pan American Union, which shall transmit certified copies of the former and shall communicate notice of such ratifications to the governments of the other signatory states and the protocol shall become effective for the contracting states in the order in which they deposit their ratifications.

This protocol shall remain in force indefinitely, but it may be denounced by means of notice given one year in advance, at the expiration of which it shall cease to be in force as regards the state denouncing the same, but shall remain in force as regards the other states. All denunciations shall be sent to the Pan American Union which will thereupon transmit notice thereof to the other states.

The American States which have not signed this protocol may adhere thereto by sending the respective official instrument to the Pan American Union which, in turn, will thereupon notify the governments of the remaining contracting states in the manner previously indicated.

#### ANNEX

##### REGULATIONS

##### ARTICLE 1

The application to obtain protection under the protocol of which the present annex is a part shall be made by the owner of the mark or his legal representative to the administration of the state in which the mark has been originally registered or deposited in accordance with the provisions in force in that state, accompanied by a money order or draft payable to the Director of the Inter-American Trade Mark Bureau in the sum required by this protocol. The application and money order shall be accompanied by an electrotype (10 x 10 centimeters) of the mark reproducing it as registered in the state of original registration.

##### ARTICLE 2

The national bureau of such state having ascertained that the registration of the mark is legal and valid shall send to the Inter-American Trade Mark Bureau, as soon as possible:

- A. The money order;
- B. The electrotype of the mark;
- C. A certificate in duplicate containing the following details:
  1. The name and address of the owner of the mark;
  2. The date of the application for registration in the state of original registration;
  3. The date of registration of the mark in such state;
  4. The order number of the registration in such state;
  5. The date of expiration of the protection of the mark in such state;
  6. A facsimile of the mark as used;
  7. A statement of the goods on which the mark is used;

8. The date of the application to the national bureau of the state of the original registration to obtain protection under the convention and this protocol.

D. When the applicant wishes to claim color as a distinctive element of his mark, thirty copies of the mark printed on paper, showing the color, and a brief description of the same.

#### ARTICLE 3

Within ten days after receipt from such administration of the matter required by Article 2, the Inter-American Trade Mark Bureau shall enter all information in its books and inform the national bureau of such state of the receipt of the application and of the number and date of the inter-American registration.

#### ARTICLE 4

Within thirty days after such receipt, detailed copies of the inter-American registration shall be sent to the national bureaus of those states which have ratified the protocol.

#### ARTICLE 5

The Inter-American Trade Mark Bureau shall publish a periodic bulletin wherein shall appear the data included in the certificate provided for by Section C of Article 2 of these regulations and also all other information which may be appropriate concerning registration of such marks in the various states.

The Inter-American Trade Mark Bureau may also publish in its bulletin or separately, books, documents, information, studies, and articles concerning the protection of industrial property.

#### ARTICLE 6

The acceptance, opposition, or refusal of a mark by the national bureau of any one of the contracting states shall be transmitted within ten days following the date of its receipt by the Inter-American Trade Mark Bureau to the administration of the state of origin of the application with a view to its communication to whom it may concern.

#### ARTICLE 7

Changes in ownership of a mark communicated by the bureau of the country of origin to the Inter-American Trade Mark Bureau and accompanied by the required fees shall be examined, entered in the register, and corresponding notice sent to the bureaus of the other contracting states in which the transfer is to take place, accompanied by the proper fees, all within the time herein fixed with respect to application.

#### ARTICLE 8

The Director of the Inter-American Trade Mark Bureau shall be appointed by the executive power of the state in which the Bureau is located,

from among lawyers of experience in the subject matter and of recognized moral standing. The Director, at his discretion, may appoint or remove the officials or employees of his Bureau, giving notice thereof to the Government of Cuba; adopt and promulgate such other rules, regulations and circulars as he may deem convenient for the proper functioning of the Bureau and which are not inconsistent with this protocol.

#### ARTICLE 9

The Inter-American Trade Mark Bureau may carry on any investigation on the subject of trade marks which the government of any of the contracting states may request, and encourage the investigation of all problems, difficulties or obstacles which may hinder the operation of the General Inter-American Convention for Trade Mark and Commercial Protection, or of this protocol.

#### ARTICLE 10

The Inter-American Trade Mark Bureau shall coöperate with the governments of the contracting states in the preparation of material for international conferences on this subject; submit to those states such suggestions as it may consider useful, and such opinions as may be requested as to the modifications which should be introduced in the inter-American pacts or in the laws concerning these subjects and in general facilitate the execution of the purposes of this protocol.

#### ARTICLE 11

The Inter-American Trade Mark Bureau shall inform the signatory governments at least once a year as to the work which the Bureau has done or is doing.

#### ARTICLE 12

The Inter-American Trade Mark Bureau shall maintain as far as possible relations with similar offices and scientific and industrial institutions and organizations for the exchange of publications, information, and data relative to the progress of the law on the subject of the protection of trade marks, defense and protection of commercial names and suppression of unfair competition and false indications of origin.

#### ARTICLE 13

These regulations may be modified at any time at the request of any of the contracting states or the Director of the Bureau, provided that the modification does not violate the general convention or the protocol of which the regulations form a part, and that the modification is approved by the Governing Board of the Pan American Union, after having been circulated among the contracting states for a period of six months before submission for the approval of the Pan American Union.

In witness whereof the above named delegates have signed this protocol

in English, Spanish, Portuguese and French, and thereto have affixed their respective seals.

Done in the City of Washington on the twentieth day of February in the year one thousand nine hundred and twenty-nine.

[SEAL]	A. GONZÁLEZ PRADA.	
[SEAL]	EMETERIO CANO DE LA VEGA.	
[SEAL]	JUAN VICENTE RAMÍREZ.	
GONZALO ZALDUMBIDE.		[SEAL]
FRANCISCO DE MOYA.		[SEAL]
R. J. ALFARO.		[SEAL]
JUAN B. CHEVALIER.		[SEAL]
P. R. RINCONES.		[SEAL]
[SEAL]	MANUEL CASTRO QUESADA.	
[SEAL]	F. E. PIZA.	
[SEAL]	GUSTAVO GUTIÉRREZ.	
[SEAL]	A. L. BUFILL	
[SEAL]	RAOUL LIZAIRE	
PABLO GARCÍA DE LA PARRA.		[SEAL]
CARLOS DELGADO DE CARVALHO.		[SEAL]
F. SUÁSTEGUI.		[SEAL]
VICENTE VITA.		[SEAL]
CARLOS IZAGUIRRE V.		[SEAL]
FRANCIS WHITE.		[SEAL]
THOMAS E. ROBERTSON.		[SEAL]
EDWARD S. ROGERS.		[SEAL]

#### FINAL ACT\*

The Governments of Peru, Bolivia, Paraguay, Ecuador, Uruguay, Dominican Republic, Chile, Panama, Venezuela, Costa Rica, Cuba, Guatemala, Haiti, Colombia, Brazil, Mexico, Nicaragua, Honduras and the United States of America, represented at the Pan American Trade Mark Conference, assembled at Washington pursuant to the resolution adopted on February 15, 1928, at the Sixth International Conference of American States held in the City of Habana, and the resolution adopted by the Governing Board of the Pan American Union at Washington, on May 2, 1928, designated the delegates hereinafter named:

[Here follow the names of the countries and delegates as given in the preceding Convention for Trade Mark and Commercial Protection.]

Who, after having deposited their credentials, found in good and due form by the conference, have agreed upon the following:

FIRST RESOLUTION (February 11, 1929) *Election of the Chairman of the Conference* (Omitted from this JOURNAL)

\* Published by the Pan American Union, Washington, D. C.

SECOND RESOLUTION (February 11, 1929) *Election of the Secretary General of the Conference* (Omitted)

THIRD RESOLUTION (February 11, 1929) *Vote of thanks to the Pan American Union* (Omitted)

FOURTH RESOLUTION (February 11, 1929) *Appointment of committees of the Conference* (Omitted)

FIFTH RESOLUTION (February 11, 1929) *Convention and Protocol to be signed* (Omitted)

SIXTH RESOLUTION (February 11, 1929) *Credentials of delegates* (Omitted)

#### SEVENTH RESOLUTION

(February 19, 1929)

##### *Declaration of Principles on Unfair Trade Practices*

RESOLVED, That every act inducing breach of contract without just cause or which discredits the products or methods of a competitor; commercial bribery; enticing employees of a competitor to obtain confidential information with respect to his activities; false use of testimonials, warrants and appointments and false statements of membership in associations; and in general every act which tends to secure the patronage of a competitor through intimidation or coercion, is declared unfair and fraudulent.

#### EIGHTH RESOLUTION

(February 19, 1929)

##### *Glossary*

RESOLVED, That the following glossary be followed in the interpretation of terms contained in the General Inter-American Convention on Trade Mark and Commercial Protection, and in the Protocol on the Inter-American Registration of Trade Marks, approved by the Conference:

NATIONALS: persons; partnerships; firms; corporations; associations; syndicates, unions and all other natural and juridical persons entitled to the benefit of nationality of the contracting countries.

PERSONS: include not only natural persons but all juridical persons such as partnerships, firms, corporations, associations, syndicates and unions.

MARKS OR TRADE MARKS: include manufacturing, industrial, commercial, agricultural marks, collective marks, and the marks of syndicates, unions and associations.

COLLECTIVE MARKS: mean marks lawfully used by two or more owners.

COMMERCIAL NAMES: include trade names, names of individuals, surnames, partnership firm and corporate names, and the names of syndicates, associations, unions and other entities recognized by the laws of the contracting



states, and which are used in manufacturing, industry, commerce and agriculture to identify or distinguish the user's trade, calling or purpose.

**OWNERSHIP:** as applied to trade marks means the right acquired by registration in countries where the right to a trade mark is so acquired and the right acquired by adoption and use in countries where the right to a trade mark is so acquired.

**OWNER OR PROPRIETOR:** means the natural or juridical person entitled to ownership as above defined.

**DEPOSIT:** means the filing of a trade mark in any contracting country other than the country of original registration.

**INTERFERING MARK OR INFRINGING MARK:** means a mark which so resembles one previously registered, deposited, or used by another person as to be likely, when applied to goods, to cause confusion or mistake or to deceive purchasers as to their commercial source or origin.

**COUNTRY OF ORIGIN:** means the country of original registration of the mark and not the country of the citizenship or domicile of the registrant or depositor.

**INJUNCTION:** means a judicial order or process, operating upon the person, requiring the party to whom it is directed to do or (usually) refrain from doing some designated thing.

**\$:** Wherever this sign is used it shall be understood to mean money which is legal currency in Cuba and which has a value equivalent to that of the dollar.

NINTH RESOLUTION (February 19, 1929) *Vote to the Delegation of Cuba*  
(Omitted)

#### TENTH RESOLUTION

(February 19, 1929)

#### *Conference on Patents and Industrial Models*

**RESOLVED:** To recommend to the Governments of the American Republics the advisability of convening a conference to study in its broadest aspects the problem of the Inter-American protection of Patents and Inventions and of Industrial Models, or to make this question the subject of special study at the Seventh International Conference of American States.

To request the Governing Board of the Pan American Union to transmit this resolution to all the governments, members of the Union, requesting them to communicate their acceptance or their objections to the Governing Board, which, in the light of the answers that may be received, shall either convene the conference whenever it is deemed opportune to do so, or include the topic in the program of the Seventh International Conference of American states.

To suggest to the American Governments that through their respective

experts in the matter the necessary preliminary studies be undertaken in order to adequately prepare the work of the conference and, in due time, adopt practical conventions, resolutions or recommendations.

ELEVENTH RESOLUTION (February 19, 1929) *Vote of thanks to the Delegation of the United States of America* (Omitted)

TWELFTH RESOLUTION (February 19, 1929) *Expression of Thanks* (Omitted)

In witness whereof the above mentioned delegates have signed this Final Act in English, Spanish, Portuguese and French, and hereunto affix their respective seals.

Done in the city of Washington, on this twentieth day of February, nineteen hundred and twenty nine.

A. GONZÁLEZ PRADA.	[SEAL]
EMETERIO CANO DE LA VEGA.	[SEAL]
JUAN VICENTE RAMÍREZ.	[SEAL]
GONZALO ZALDUMBIDE.	[SEAL]
VARELA.	[SEAL]
[SEAL]	FRANCISCO DE MOYA.
[SEAL]	OSCAR BLANCO VIEL.
[SEAL]	R. J. ALFARO
[SEAL]	JUAN B. CHEVALIER.
[SEAL]	P. R. RINCONES.
[SEAL]	MANUEL CASTRO QUESADA.
[SEAL]	F. E. PIZA.
[SEAL]	GUSTAVO GUTIÉRREZ.
[SEAL]	A. L. BUFILL.
[SEAL]	ADRIÁN RECINOS.
[SEAL]	RAMIRO FERNÁNDEZ.
[SEAL]	RAOUL LIZAIRE.
[SEAL]	PABLO GARCÍA DE LA PARRA.
[SEAL]	CARLOS DELGADO DE CARVALHO.
[SEAL]	F. SUÁSTEGUI.
[SEAL]	VICENTE VITA.
[SEAL]	CARLOS IZAGUIRRE V.
[SEAL]	FRANCIS WHITE
[SEAL]	THOMAS E. ROBERTSON.
[SEAL]	EDWARD S. ROGERS.

NOTE DELIVERED BY AMERICAN AMBASSADORS AT LIMA AND SANTIAGO TO  
THE PERUVIAN AND CHILEAN GOVERNMENTS RESPECTIVELY TRANS-  
MITTING PROPOSAL OF PRESIDENT OF THE UNITED STATES  
REGARDING TACNA-ARICA<sup>1</sup>

*May 15, 1929*

Excellency:

Under instructions from my Government I have the honor to present to Your Excellency, with the request that you be so good as to transmit it to His Excellency the President of Peru (Chile), certain stipulations which the President of the United States of America, not as Arbitrator, but in the exercise, at the request of both parties, of good offices, proposes to the Governments of Peru and Chile as the final bases of a solution of the problem of Tacna-Arica.

In presenting this proposal to Your Excellency's Government I am directed by the Secretary of State to say that, in making it, the President of the United States of America has been guided by agreements reached directly between Peru and Chile on questions involved between them in the solution of the problem of Tacna-Arica. The proposal is therefore not to be interpreted as indicating that either the President or the Government of the United States of America expresses any opinion or view or makes any suggestion in any way whatever regarding any future disposition by either party of that portion of the territory in dispute which will be in its possession should the proposal enclosed herewith be accepted by the Governments of Peru and Chile.

PROPOSAL OF THE PRESIDENT OF THE UNITED STATES TO THE GOVERNMENTS  
OF CHILE AND PERU REGARDING TACNA-ARICA<sup>1</sup>

*May 14, 1929*

Having been informed of the cordial progress of the negotiations between the Governments of Chile and of Peru, with reference to the direct agreements reached on nearly all the questions involved in the solution of the problem of Tacna and Arica and having also been informed of the decision of both Governments to submit to him the only difficulty that has arisen with reference to the respective viewpoints relating to the projected port of Las Yaradas:

The President of the United States summarizing the points agreed upon proposes to the two Governments in the exercise of good offices as the final bases of a solution the following stipulations:

*First.*—The territory will be divided into two parts; Tacna for Peru and Arica for Chile. The dividing line shall start at a point which shall be designated with the name, "Concordia," situated ten kilometers to the north of the bridge over the river Lluta, and shall continue parallel to the Arica-

<sup>1</sup> State Dept. press notice, May 17, 1929.

La Paz Railroad following as far as possible the topographic features which may make easier the demarcation of the line. The sulphur deposits of Tacora shall remain in Chilean territory, and the canals of Uchusuma and Mauri, also known as Azucarero, shall remain the property of Peru, with the understanding, however, that wherever these canals pass through Chilean territory they shall enjoy the most complete servitude in perpetuity in favor of Peru. This servitude includes the right to widen the actual canals, change their course, and appropriate all waters that may be collectible in their passage through Chilean territory.

The boundary line shall pass through the center of Laguna Blanca, dividing it into two equal parts. Peru and Chile shall each designate an engineer and the necessary assistants to proceed to the demarcation of the new frontier in accordance with the points herein agreed upon, and shall indicate the dividing line by means of boundary monuments.

In case of disagreement, such disagreement shall be decided by a third person designated by the President of the United States, whose decision shall be final.

*Second.*—The Government of Chile will grant to the Government of Peru within the One Thousand Five Hundred and Seventy-Five meters of the Bay of Arica, a wharf (Malecón), a customhouse and a station for the railroad from Tacna to Arica, where Peru shall enjoy independence within the most ample free port. All the aforementioned works shall be constructed by the Government of Chile.

*Third.*—The Government of Chile will deliver to the Government of Peru the sum of Six Million Dollars.

*Fourth.*—The Government of Chile will deliver without cost of any kind to Peru all the public works already constructed, together with all government owned real property in the Department of Tacna.

*Fifth.*—The Government of Chile will maintain in the Department of Arica the franchise granted by the Government of Peru in the year 1852, to the Arica-Tacna Railroad Company.

*Sixth.*—The Government of Chile shall proceed to deliver the Department of Tacna thirty days after the exchange of ratifications of the Treaty.

*Seventh.*—The Governments of Chile and Peru will respect private rights legally acquired in the territories that remain under their respective sovereignties.

*Eighth.*—The Governments of Chile and Peru, in order to commemorate the consolidation of their friendly relations, agree to erect on the Morro de Arica a monument, the design of which shall be the subject of agreement between the parties.

*Ninth.*—The children of Peruvian nationals born in Arica shall be considered as Peruvians until they attain the age of twenty-one years, at which

age they shall have the right to elect their definitive nationality; and the children of Chileans, born in Tacna, shall enjoy the same right.

*Tenth.*—Chile and Peru will reciprocally release any obligation, engagement or indebtedness between the two countries, whether derived or not from the Treaty of Ancón.

REPLY OF THE GOVERNMENT OF CHILE TO THE AMERICAN AMBASSADOR AT  
SANTIAGO REGARDING TACNA-ARICA<sup>1</sup>

*May 15, 1929*

Excellency:

I have the honor to acknowledge the receipt of the note dated today by which Your Excellency, in compliance with instructions from your Government, sends me for transmission to His Excellency the President of the Republic the stipulations which the President of the United States of America in the exercise of good offices sought by the Parties and guided by the direct agreements arrived at by Chile and Peru proposes as the final bases of a solution of the Tacna-Arica problem.

It affords me satisfaction to declare to Your Excellency that these bases, having been transmitted to His Excellency the President of the Republic, the Government of Chile has decided to accept them in the terms and scope of the note which I now have the pleasure to answer.

My Government believes, therefore, that the Treaty which is to be concluded between Chile and Peru in accordance with those bases will wholly and finally decide the only pending question arising from the War of the Pacific and with it the last of the boundary questions of the Republic.

The people of Chile, placing confidence in their destiny and concentrating their energies on work, note the utmost importance of this action which guarantees their safety and promotes their progress.

In thanking, by direction of His Excellency the President of the Republic and through Your Excellency, the President of the United States of America for his lofty and friendly coöperation towards removing the obstacle which for half a century has kept Chile and Peru apart, I avail myself of the opportunity to renew to Your Excellency the sentiments of my highest and most distinguished consideration.

(Signed) CONRADO RIOS GALLARDO.

REPLY OF THE GOVERNMENT OF PERU TO THE AMERICAN AMBASSADOR AT LIMA  
REGARDING TACNA-ARICA<sup>1</sup>

*May 16, 1929*

Excellency:

I have the honor to inform Your Excellency that I have received your important communication No. 88 dated yesterday in which you were good

<sup>1</sup> State Dept. press notice, May 17, 1929.



enough to inform me that, following instructions from your Government, you are pleased to transmit to the President of Peru certain stipulations set forth in the enclosure, which the President of the United States of America, not in his capacity as Arbitrator, but in the exercise of good offices, and at the request of both parties, proposes to the Governments of Peru and Chile, as the final bases of a solution of the problem of Tacna-Arica.

Your Excellency states that in presenting this proposal to my Government, you have been instructed by the Secretary of State of the United States of America to inform me that, in making it, the President of the United States of America was guided by agreements reached directly between Chile and Peru on questions involved between them, in the solution of the problem of Tacna-Arica.

Your Excellency adds that nevertheless the proposal is not to be interpreted as indicating that either the President or the Government of the United States of America expresses an opinion or view or makes a suggestion in any way whatever regarding any future disposition which either of the parties may make of that portion of the territory in dispute which will remain in its possession should the proposal enclosed in your note be accepted by the Governments of Peru and Chile.

Your Excellency stated that you were charged by your Government to inform me that the terms of the said proposal would not be made public by the President of the United States of America until the replies of Peru and Chile had been received and therefore you requested that no publicity be given to this matter for the present.

In reply I take pleasure in informing Your Excellency that immediately upon receipt of your important note I hastened to bring it to the attention of the President of the Republic, Señor Augusto B. Leguia, who has instructed me to inform Your Excellency and, through you, the President of the United States of America, that the Government of Peru accepts each and every one of the bases proposed by the President of the United States of America, for a final settlement of the question of Tacna-Arica and that, with the acceptance of them by both parties, it considers this question absolutely and finally settled.

I comply likewise with instructions from the President in asking Your Excellency to be so good as to express to the President of the United States of America the most cordial thanks for the eminent service which he has rendered, contributing at the opportune moment, with his high authority as friendly mediator in the solution of the grave international conflict whose termination is of importance not only to the countries directly concerned in the arrangement but also to the peace of the continent.

It is likewise a pleasure for me to express to Your Excellency the thanks of the President of the Republic, Don Augusto B. Leguia, and of his Government, to your good self for the notable participation which you have had in the termination of this most important matter.



In this historic moment which redounds so to the prestige not only of Peru and Chile but of America, I reiterate to you, Mr. Ambassador, the sentiments of my highest and most distinguished consideration.

(Signed) PEDRO JOSÉ RADA Y GAMIO.

TREATY BETWEEN THE VATICAN AND ITALY <sup>1</sup>

*Signed at Rome February 11, 1929; ratifications exchanged June 7, 1929*

IN THE NAME OF THE MOST HOLY TRINITY

WHEREAS, the Holy See and Italy have both recognized the desirability of eliminating every cause of disagreement existing between them by coming to a definite understanding of their mutual relations which shall be in accordance with justice and compatible with the dignity of the two High Contracting Parties and which, by assuring permanently to the Holy See a status of fact and of right guaranteeing to it absolute independence in the exercise of its mission in the world, the said Holy See may acknowledge as definitively and irrevocably settled the "Roman Question" which arose in 1870 with the annexation of Rome to the Kingdom of Italy under the dynasty of the House of Savoy;

AND WHEREAS, for the purpose of assuring to the Holy See absolute and visible independence and of guaranteeing to it indisputable sovereignty also in the field of international relations, it has been deemed necessary to establish the State of the Vatican, and to recognize so far as the latter is concerned, complete ownership, exclusive and absolute power and sovereign jurisdiction on the part of the Holy See;

His Holiness, the Sovereign Pontiff, Pius XI, and His Majesty, Victor Emmanuel III, King of Italy, have resolved to make a treaty, appointing for this purpose two plenipotentiaries, namely, on the part of His Holiness, His Eminence, Cardinal Pietro Gasparri, His Secretary of State, and on the part of His Majesty, His Excellency, Signor Cavaliere Benito Mussolini, Prime Minister and Head of the Government. These plenipotentiaries, having exchanged their respective credentials, which were found to be duly and properly executed, have agreed to the following articles:

ART. 1

Italy recognizes and reaffirms the principle set forth in Art. 1 of the Constitution of the Kingdom of Italy of March 4, 1848, whereby the Roman Catholic and Apostolic Religion is the sole religion of the State.

ART. 2

Italy recognizes the sovereignty of the Holy See in the field of international relations as an attribute that pertains to the very nature of the Holy

<sup>1</sup>Official English translation furnished by National Catholic Welfare Conference, Washington, D. C. Financial Agreement and Concordat not printed herein.

See, in conformity with its traditions and with the demands of its mission in the world.

#### ART. 3

Italy recognizes full possession and exclusive and absolute power and sovereign jurisdiction of the Holy See over the Vatican, as at present constituted, with all its appurtenances and endowments. Thus the Vatican City is established for the special purposes and with the provisions laid down in the present treaty. The confines of the Vatican City are indicated on a plan which constitutes the first appendix<sup>1</sup> to the present treaty of which it forms an integral part.

It is agreed, however, that the Piazza di San Pietro, although forming part of the Vatican City, will continue ordinarily to be open to the public and subject to the police powers of the Italian authorities. The jurisdiction of these authorities shall not extend beyond the foot of the steps leading to the Basilica although the latter continue to serve for public worship. The police, therefore, will refrain from ascending the steps and entering the Basilica unless they are requested to do so by competent authority.

When the Holy See, in connection with special functions, shall deem it necessary to close St. Peter's Square to the public temporarily, the Italian police, unless requested by the proper authorities to remain, shall withdraw beyond the outer limits of the Bernini colonnade and its prolongation.

#### ART. 4

The sovereignty and exclusive jurisdiction which Italy recognizes on the part of the Holy See with regard to the State of the Vatican implies that there can be no interference on the part of the Italian Government therein, nor any other authority than that of the Holy See.

#### ART. 5

For the execution of that which is set forth in the preceding article, before the present treaty goes into effect, the Italian Government shall see to it that the territory constituting the Vatican City is made free from all liens and closed to any and all tenants in the future. The Holy See will provide for closing the approaches by inclosing the open parts, except St. Peter's Square.

It is agreed, however, that regarding property therein belonging to religious institutions or organizations, the Holy See will arrange directly to determine its relations with these, the Italian State taking no part in these arrangements.

#### ART. 6

Italy undertakes to furnish through agreement with the agencies concerned, assurance to the Vatican City of an adequate water supply within the territory.

<sup>1</sup> Omitted.

It will also provide for communication with the Italian State Railways by constructing a railroad station within the Vatican City at a location marked on the annexed plan, as well as for the movement of rolling stock belonging to the State of the Vatican on the Italian railroads.

It will provide moreover for the linking up, directly with other States also, of the telegraph, telephone, radio-telegraph, radio-telephone and postal services within the Vatican City.

It will, besides, provide for the coördination of other public utilities.

The Italian State will furnish the above at its own expense within one year from the date the present treaty goes into effect.

The Holy See will arrange at its own expense for systematizing the present approaches to the Vatican as well as others which it may be found advisable to open in the future.

Agreements will be made between the Holy See and the Italian Government for the circulation in the latter's territory of the vehicles and aircraft of the Vatican City.

#### ART. 7

In territory adjoining the Vatican City the Italian Government pledges itself not to allow construction of new buildings overlooking it. Likewise, it will provide for the partial demolition of such buildings as now overlook the Vatican City, specifically those near the Porta Cavalleggeri and along the Via Aurelia and the Viale Vaticano.

In conformity with the regulations of international law, aircraft of any kind are prohibited from flying over territory of the Vatican.

In the Piazza Rusticucci and in the zones adjacent to the colonnade, to which the extra-territoriality mentioned in Art. 15 does not extend, any building or street changes in which the Vatican City might be interested shall be made by mutual agreement.

#### ART. 8

Italy, considering the person of the Sovereign Pontiff as sacred and inviolable, declares that any and every attempt against him, as well as any incitement to commit such, to be punishable by the same penalties as attempts against the person of the King or incitement to commit the same.

Public offenses or insults committed in Italian territory against the person of the Sovereign Pontiff, whether by deed or by spoken or written word, are punishable by the same penalties as similar offenses and injuries against the person of the King.

#### ART. 9

In conformity with the provisions of international law, all persons having a fixed residence within the State of the Vatican are subject to the sovereignty of the Holy See. Such residence is not lost by the simple fact of temporary

domicile elsewhere unless such domicile entails the giving up of one's habitation in the Vatican City or is characterized by other circumstances which make it clear that the individual concerned has abandoned his residence therein.

When the persons mentioned in the above paragraph are no longer subject to the sovereignty of the Holy See, and according to the provisions of the laws of Italy, and independently of the circumstances provided for above, they do not enjoy elsewhere the privilege of citizenship, they shall without further investigation be considered citizens of Italy.

The same persons, while subject to the sovereignty of the Holy See, will be subject in Italian territory, to Italian legislation; even in matters in which personal law must be observed (when these are not regulated by provisions of the Holy See), and in cases where they are believed to be citizens of other countries, they shall be subject to the laws of the State to which they belong.

#### ART. 10

Dignitaries of the Church and persons attached to the Pontifical Court, who will be designated in a list to be agreed upon by the High Contracting Parties, even when not citizens of the State of the Vatican, shall always and in every case, so far as Italy is concerned, be exempt from military service, from jury duty and from all services of a personal character.

This rule will also be applied to chancery officials declared by the Holy See to be indispensable, who are permanently attached with fixed stipends to the offices of the Holy See and to the tribunals and offices mentioned below in Arts. 13, 14, 15, and 16 which are located outside the State of the Vatican. Such functionaries will be named in a second list, to be agreed upon as stipulated above, which will be brought up to date annually by the Holy See.

Ecclesiastics who, in the performance of the duties of their office, are occupied in the execution of the acts of the Holy See shall not be subjected on account of such execution to any hindrance, investigation or molestation on the part of the Italian authorities.

Every foreigner invested with ecclesiastical office in Rome shall enjoy the same personal guarantees as belong to Italian citizens by virtue of the laws of the Kingdom of Italy.

#### ART. 11

The central corporate entities of the Catholic Church are exempt from all interference on the part of the Italian State (except for the provisions of Italian law concerning the acquisitions of moral entities) and also from expropriation with regard to real estate.

#### ART. 12

Italy recognizes the right of the Holy See to send and to receive diplomatic representatives according to the general provisions of international law.

Envoys of foreign governments to the Holy See will continue to enjoy in the Kingdom of Italy all the privileges and immunities which pertain to diplomatic agents according to international law. Their embassies or legations may still be located in Italian territory, possessing the immunity due to them according to the provisions of international law, even though their Governments may not have diplomatic relations with Italy.

It is understood that Italy guarantees always and in every case to allow free correspondence from all nations, including belligerents, to the Holy See and vice versa, and to permit free access of bishops from all parts of the world to the Apostolic See.

The High Contracting Parties pledge themselves to establish regular diplomatic relations with each other by the accrediting of an Italian ambassador to the Holy See and of a Papal Nuncio to Italy, who will be dean of the diplomatic corps according to the customary provision sanctioned by the Congress of Vienna with the Act of June 9, 1815.

By reason of the recognized sovereignty, and without prejudice to what is set forth in Art. 19 below, the diplomatic representatives of the Holy See and couriers dispatched in the name of the Sovereign Pontiff enjoy in Italian territory, even in times of war, the same status as is due to the diplomatic representatives and couriers of other foreign states according to the provisions of international law.

#### ART. 13

Italy recognizes on the part of the Holy See full proprietary rights to the patriarchal basilicas of St. John Lateran, St. Mary Major, and St. Paul with the buildings attached to these.

The State transfers to the Holy See the free control and administration of the above-named Basilica of St. Paul and also of the monastery attached thereto, turning over to the Holy See the funds corresponding to the amounts allotted annually in the budget of the Ministry of Public Instruction for said basilica.

It is likewise understood that the Holy See is in freehold possession of the dependent edifice of San Callisto near Santa Maria in Trastevere.

#### ART. 14

Italy recognizes on the part of the Holy See full and complete ownership of the papal palace of Castel Gandolfo with all the endowments, appurtenances and attachments which are actually in the possession of said Holy See, and pledges itself to cede, likewise with full proprietary rights, the Villa Barberini, in Castel Gandolfo, with all its endowments, appurtenances and attachments, this transfer to be effected within six months from the date on which the present treaty goes into effect.

In order to unify the property sites located on the north side of the Janiculan Hill, which belong to the Congregation for the Propagation of the



Faith and other ecclesiastical institutes, and which overlook the Vatican buildings, the State promises to transfer to the Holy See, or to such organizations as the Holy See shall designate, the properties in this zone belonging to the State or to any third parties. The properties belonging to the above-named Congregation and to other institutes as well as those which are to be transferred are indicated on the annexed plan.

Lastly, Italy transfers to the Holy See in full and free proprietary right the ex-convent buildings in the city of Rome annexed to the Basilica of the Twelve Apostles and to the churches of Sant' Andrea della Valle and San Carlo ai Catanari, together with all their annexes and dependencies. These are to be turned over free of all tenants within one year of the date the present treaty goes into effect.

#### ART. 15

The properties indicated in Art. 13 and in the first and second sections of Art. 14, together with the palaces of the Dataria, the Cancellaria, the Propagation of the Faith in the Piazza di Spagna, the palace of the Holy Office with its annexes, the palace of the Convertendi (at present occupied by the Congregation for the Oriental Church) in the Piazza Scossacavalli, the palace of the Vicariate and the other buildings in which the Holy See in the future may deem it necessary to establish other offices, although forming a part of the territory of the Italian State, shall enjoy the immunity guaranteed by international law to the embassies of foreign nations.

The same immunities shall apply with regard to other churches, even outside of Rome, during the time sacred functions are being celebrated in them at which the Sovereign Pontiff is present, even though at such times they are not open to the public.

#### ART. 16

The properties mentioned in the three preceding articles, as well as those used to house the following pontifical institutes: the Gregorian University, the Biblical Institute, the Oriental Institute, the Archeological Institute, the Russian Seminary, the Lombard College; the two palaces of St. Apollinaris and the House of Spiritual Retreat for the clergy at Sts. John and Paul will never be subjected to liens or to appropriation for the sake of public utility without a previous agreement with the Holy See; and they shall be exempt from all taxes, whether ordinary or extraordinary, whether levied by the State or by any other entity whatsoever.

The Holy See has the power to make whatever changes it sees fit in the properties mentioned in this article and also in the three preceding articles without the necessity of obtaining authorization or consent on the part of the Italian authorities, whether state, provincial or municipal. In this matter the authorities may confidently rely on the Church to follow the high artistic traditions of which She has always boasted.



## ART. 17

Contributions of whatever kind due to the Holy See from the other central organizations of the Catholic Church and from the organizations directly managed by the Holy See, even outside of Rome, as also those due to dignitaries, functionaries and employees, even when not fixed, beginning with the first of January, 1929, shall be exempt in Italian territory from any tax whatsoever on the part of the State or of any other entity.

## ART. 18

The treasures of art and science which are to be found within the State of the Vatican, and in the Lateran Palace will remain accessible to scholars and visitors, but the Holy See is left entirely free to determine when and under what conditions these treasures shall be open to the public.

## ART. 19

Diplomatic representatives and envoys of the Holy See, diplomatic representatives and envoys of foreign nations to the Holy See, and Dignitaries of the Church coming from abroad directly to the State of the Vatican, if provided with passports issued by the countries from which they come and viséed by papal representatives abroad, may without any other formality proceed through Italian territory to the State of the Vatican. The same procedure will apply to these persons when, provided with a regular papal passport, they leave the State of the Vatican for abroad.

## ART. 20

Merchandise coming from abroad and consigned to the State of the Vatican, or to institutions or offices of the Holy See which are located outside thereof, shall always be admitted at any point on the Italian frontier or at any port of the Kingdom to pass through Italian territory with full exemption from custom duties and intercommunal taxes.

## ART. 21

All Cardinals are entitled in Italy to such honors as are due Princes of the blood. Those resident in Rome, including those living outside the State of the Vatican, are to all intents and purposes citizens thereof.

During a vacancy in the Papal See, Italy will take special care that there shall be no obstacle to the free access of Cardinals to the Vatican or to their passage through Italian territory and that there shall be no hindrance to or interference with their personal liberty.

Italy will also take precautions that no disturbances shall occur on Italian territory in the neighborhood of the Vatican that might interfere with the sessions of the conclave.

These provisions shall apply also to conclaves which may be held outside of the State of the Vatican and to councils presided over by the Sovereign

Pontiff or his legates, and include in their purview the bishops summoned to take part in the council.

#### ART. 22

At the request of the Holy See and on delegation of power, which may be given by the Holy See either in single cases or permanently, Italy will provide within her own territory for the punishment of crimes committed within the State of the Vatican. When, however, an individual who has committed a crime therein takes refuge in Italian territory, he shall be dealt with forthwith according to the provisions of Italian law.

The Holy See will hand over to the Italian State individuals who have fled within the State of the Vatican charged with acts committed in Italian territory which are considered criminal by the laws of both States.

A like procedure will be followed in the case of individuals charged with crime who may have fled to one or other of the properties declared immune in Art. 15 unless those in charge of such property prefer to ask the Italian police to enter and make the arrest.

#### ART. 23

For the execution within the Kingdom of Italy of sentences pronounced by tribunals of the State of the Vatican the principles of international law will be applied.

On the other hand, sentences and decisions pronounced by ecclesiastical authorities, which have to do with ecclesiastical or religious persons in spiritual or disciplinary matters, and which are officially communicated to the civil authorities, will have full juridical efficacy immediately in Italy even so far as the civil effects are concerned.

#### ART. 24

With regard to the sovereignty pertaining to it in the field of international relations, the Holy See declares that it wishes to remain and will remain extraneous to all temporal disputes between nations, and to international congresses convoked for the settlement of such disputes, unless the contending parties make a joint appeal to its mission of peace; nevertheless, it reserves the right in every case to exercise its moral and spiritual power.

In consequence of this declaration, the State of the Vatican will always and in every case be considered neutral and inviolable territory.

#### ART. 25

By special convention, signed jointly with the present treaty and constituting the fourth appendix to the same, and forming an integral part thereof, provisions are made for the liquidation of the financial claims of the Holy See against Italy.

## ART. 26

The Holy See maintains that with the agreements signed today adequate assurance is guaranteed as far as is necessary for the said Holy See to provide, with due liberty and independence, for the pastoral régime of the Diocese of Rome and of the Catholic Church in Italy and in the world. The Holy See declares the "Roman Question" definitively and irrevocably settled and, therefore, eliminated; and recognizes the Kingdom of Italy under the dynasty of the House of Savoy with Rome as the Capital of the Italian State.

Italy, in turn, recognizes the State of the Vatican under the sovereignty of the Supreme Pontiff.

The Law of May 13, 1871, No. 214, is abrogated, as well as any other decree or decision contrary to the present treaty.

## ART. 27

The present treaty will be submitted to the Sovereign Pontiff and to the King of Italy for ratification within four months from the date of signing and will become effective immediately on the exchange of ratifications.

Rome, February 11, 1929.

Signed:

PIETRO CARDINALE GASPARRI.

Signed:

BENITO MUSSOLINI.



# OFFICIAL DOCUMENTS

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## OFFICIAL DOCUMENTS

### ARBITRATION TREATY BETWEEN AUSTRIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington August 16, 1928; ratifications exchanged  
February 28, 1929*

The President of the United States of America and the Federal President of the Republic of Austria.

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the specific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention which was signed at Washington, January 15, 1909, but is not now in force, and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The Federal President of the Republic of Austria, Mr. Edgar L. G. Prochnik, Envoy Extraordinary and Minister Plenipotentiary to the United States of America,

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the

<sup>1</sup> U. S. Treaty Series No. 776.

organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Austria in accordance with its constitutional laws.

## ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Austria in accordance with the Covenant of the League of Nations.

## ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Austria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

EDGAR PROCHNIK [SEAL]

## CONCILIATION TREATY BETWEEN AUSTRIA AND THE UNITED STATES<sup>1</sup>

*Signed at Washington August 16, 1928; ratifications exchanged  
February 28, 1929*

The President of the United States of America and the Federal President of the Republic of Austria, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace,

<sup>1</sup> U. S. Treaty Series No. 777.

have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The Federal President of the Republic of Austria, Mr. Edgar L. G. Prochnik, Envoy Extraordinary and Minister Plenipotentiary to the United States of America,

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Austria, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent international commission constituted in the manner prescribed in the next succeeding article; and the high contracting parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Austria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

EDGAR PROCHNIK [SEAL]

#### ARBITRATION TREATY BETWEEN BULGARIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington January 21, 1929; ratifications exchanged  
July 22, 1929*

The President of the United States of America and His Majesty the King of the Bulgarians

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

<sup>1</sup> U. S. Treaty Series No. 792.

Have decided to conclude a treaty of arbitration, and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;  
and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Bulgaria in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Bulgaria in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Bulgaria in accordance with its constitutional laws.



The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

S. RADEFF [SEAL]

CONCILIATION TREATY BETWEEN BULGARIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington January 21, 1929; ratifications exchanged  
July 22, 1929*

The President of the United States of America and His Majesty the King of the Bulgarians, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Bulgaria, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country,

<sup>1</sup> U. S. Treaty Series No. 793.



by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

### ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
S. RADEFF [SEAL]

ARBITRATION TREATY BETWEEN CZECHOSLOVAKIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington August 16, 1928; ratifications exchanged  
April 11, 1929*

The President of the United States of America and the President of the Czechoslovak Republic.

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;  
and

The President of the Czechoslovak Republic:

Mr. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

## ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America

<sup>1</sup> U. S. Treaty Series No. 781.

by and with the advice and consent of the Senate thereof, and on the part of Czechoslovakia in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Czechoslovakia in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Czechoslovakia in accordance with its constitutional laws.

The ratifications shall be exchanged at Prague as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Czechoslovak languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL]

FRANK B. KELLOGG

[SEAL]

ZD. FIERLINGER

#### CONCILIATION TREATY BETWEEN CZECHOSLOVAKIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington August 16, 1928; ratifications exchanged*

*- April 11, 1929*

The President of the United States of America and the President of the Czechoslovak Republic, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

<sup>1</sup> U. S. Treaty Series No. 782.

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the Czechoslovak Republic:

Mr. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Czechoslovakia, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent international commission constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country; by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless

the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Czechoslovakia in accordance with its constitutional laws.

The ratifications shall be exchanged at Prague as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Czechoslovak languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

ZD. FIERLINGER [SEAL]

#### ARBITRATION TREATY BETWEEN DENMARK AND THE UNITED STATES <sup>1</sup>

*Signed at Washington June 14, 1928; ratifications exchanged  
April 17, 1929*

The President of the United States of America and His Majesty the King of Denmark and Iceland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the United States and Denmark;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between the two countries; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on May

<sup>1</sup> U. S. Treaty Series No. 784.



18, 1908, which expired by limitation on March 29, 1914, and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States;

His Majesty the King of Denmark and Iceland: Mr. Constantin Brun, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington April 17, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Denmark in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Denmark in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Denmark in accordance with its constitutional laws.



The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Danish languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fourteenth day of June, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]  
C. BRUN [SEAL]

ARBITRATION TREATY BETWEEN GERMANY AND THE UNITED STATES<sup>1</sup>

*Signed at Washington May 5, 1928; ratifications exchanged  
February 25, 1929*

The President of the United States of America and the President of the German Reich

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States, and

The President of the German Reich, Herr Friedrich von Prittwitz und Gaffron, German Ambassador to the United States of America:

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of refer-

<sup>1</sup> U. S. Treaty Series No. 774.

ence to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Germany in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Germany in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the German Reich in accordance with German constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fifth day of May in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

F. VON PRITZWITZ [SEAL]

CONCILIATION TREATY BETWEEN GERMANY AND THE UNITED STATES <sup>1</sup>

*Signed at Washington May 5, 1928; ratifications exchanged*

*February 25, 1929*

The President of the United States of America and the President of the German Reich, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries;

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the German Reich, Herr Friedrich von Prittwitz und Gaffron, German Ambassador to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Germany, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; the high contracting parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may,

<sup>1</sup> U. S. Treaty Series No. 775.

however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their coöperation in the investigation.

The high contracting parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall shorten or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the German Reich in accordance with German constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fifth day of May in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

F. VON PRITZWITZ [SEAL]

NOTES EXCHANGED BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF THE NETHERLANDS FOR THE SETTLEMENT OF CLAIMS OF THE DUTCH FISHING INDUSTRY ARISING OUT OF THE WAR<sup>1</sup>

*London, March 22, 1929*

(1)

*Sir Austen Chamberlain to M. van Swinderen*

Sir,

*Foreign Office, March 22, 1929.*

With reference to the prolonged discussions which have taken place regarding the claims in relation to damage or losses alleged to have been

<sup>1</sup> British Treaty Series No. 9 (1929).

suffered by Netherlands nationals during the late war, I have the honor to state that His Majesty's Government in the United Kingdom, after careful review of the facts of the individual cases, see no reason whatever to modify their conclusion that no liability towards any of the claimants rests upon them under recognized principles of international law.

His Majesty's Government in the United Kingdom have, however, as you are aware, recognized that the claims presented on behalf of the Dutch fishing industry as a consequence of the action which the British authorities were reluctantly compelled to take during the war, stand on a special footing and they are now prepared as an act of grace towards the claimants to pay to the Netherlands Government in respect of the fishing vessels' claims the sum of 1 million guilders, it being left entirely to the Netherlands Government at their discretion to dispose of this amount in favor of those claimants in such way as they may consider proper. With a view to protecting His Majesty's Government in the United Kingdom against a possible double liability, it is understood that the Netherlands Government will obtain an undertaking from claimants benefiting from this payment or from the representatives of such claimants to the effect that the compensation received is accepted in final settlement of their claims, and that no further action will be taken against the Government of His Majesty in the United Kingdom in respect thereof.

His Majesty's Government can, however, only make this offer on condition that it is accepted as finally disposing, as between themselves and the Netherlands Government, of all the claims referred to in the first paragraph of this note.

It is understood that, as regards claims other than those presented on behalf of the Dutch fishing industry, there still remain open to the nationals of the Netherlands concerned the rights and remedies, if any, equally available to British or other nationals in similar circumstances, and access to the British prize courts is still available to claimants subject to the right of the British authorities to plead all defences legally open to them.

It is, of course, understood that the right of each government to maintain on future occasions such position as it may deem appropriate with respect to the legality under international law of measures such as those giving rise to the claims or other points in dispute is fully reserved, and that the juridical position of neither government is in any way prejudiced.

I have, &c.

AUSTEN CHAMBERLAIN.

(2)

(Translation.)

*Netherlands Legation,*

M. le Secrétaire d'État,

*London, March 22, 1929.*

I have the honor to acknowledge the receipt of your Excellency's note of the 22nd March, 1929, relative to the prolonged discussions which have



taken place concerning certain claims in respect to damages and losses incurred by Netherlands subjects during the World War. In that note your Excellency was good enough to inform me that, after a careful examination of the facts of each individual case, His Majesty's Government in the United Kingdom see no reason whatever to modify their conclusion that no liability towards any of the interested parties rests upon them according to the recognized principles of international law. His Majesty's Government in the United Kingdom, however, have recognized that the claims presented on behalf of the fishing industry as a consequence of the measures which the British authorities were reluctantly compelled to take during the war, stand on a special footing, and they are prepared, as an act of grace towards the claimants, in the conditions mentioned in your note, to pay to the Netherlands Government on behalf of the fisheries, the sum of 1 million guilders, it being left entirely to the Netherlands Government at their discretion to dispose of this amount in favor of the fishermen in question in such way as this government may consider proper.

In reply, I have the honor to inform your Excellency that the Netherlands Government deeply regret that His Majesty's Government in the United Kingdom have been unable to accept the views of the Netherlands Government, and that they deny all liability for compensation in respect of the claims in question which the Netherlands Government consider to be justified. It is, nevertheless, with satisfaction that the Netherlands Government have learned from your Excellency's note mentioned above that His Majesty's Government in the United Kingdom have declared their readiness to accord an indemnity in favor of the Dutch fisheries and, in offering a sum of 1 million guilders, make manifest a spirit of accommodation towards them which my government appreciate at its true value. The Netherlands Government have authorized me to accept this offer in the conditions set forth in your Excellency's note.

The Netherlands Government note that His Majesty's Government in the United Kingdom will assure to the Netherlands subjects concerned, other than those contemplated in the second paragraph of your note, all rights and remedies available to their own nationals or the nationals of other Powers in similar circumstances, and that access to the British prize courts will still be available to the claimants, subject to the right of the British authorities to plead all defences legally open to them.

It is, of course, understood that the right of each government to maintain on future occasions such position as it may deem appropriate with respect to the legality, under international law, of measures such as those which have given rise to the claims or other points in dispute is fully reserved, and that the juridical position of neither government is in any way prejudiced.

I have, &c.

R. DE MAREES VAN SWINDEREN.



ARBITRATION TREATY BETWEEN HUNGARY AND THE UNITED STATES <sup>1</sup>

*Signed at Washington January 26, 1929; ratifications exchanged July 24, 1929*

The President of the United States of America and His Serene Highness the Regent of the Kingdom of Hungary

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention which was signed at Washington, January 15, 1909, but is not now in force, and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Serene Highness the Regent of the Kingdom of Hungary: Count László Széchényi, Envoy Extraordinary and Minister Plenipotentiary of Hungary to the United States of America;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

## ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and

<sup>1</sup> U. S. Treaty Series No. 797.

with the advice and consent of the Senate thereof, and on the part of Hungary in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Hungary in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Hungary in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Hungarian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 26th day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

SZÉCHÉNYI [SEAL]

#### CONCILIATION TREATY BETWEEN HUNGARY AND THE UNITED STATES<sup>1</sup>

*Signed at Washington January 26, 1929; ratifications exchanged July 24, 1929*

The President of the United States of America and His Serene Highness the Regent of the Kingdom of Hungary, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

<sup>1</sup> U. S. Treaty Series No. 798.

His Serene Highness the Regent of the Kingdom of Hungary: Count László Széchényi, Envoy Extraordinary and Minister Plenipotentiary to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

#### ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Hungary, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

#### ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Hungary in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Hungarian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 26th day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
SZÉCHÉNYI [SEAL]

#### ARBITRATION TREATY BETWEEN NORWAY AND THE UNITED STATES <sup>1</sup>

*Signed at Washington, February 20, 1929; ratifications exchanged June 7, 1929*

The President of the United States of America and His Majesty the King of Norway

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on April 4, 1908, which expired by limitation on June 24, 1928, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

<sup>1</sup> U. S. Treaty Series No. 788.

His Majesty the King of Norway:

Mr. H. H. Bachke, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which, if they have been referred to the permanent International Commission constituted pursuant to the treaty signed at Washington June 24, 1914, have not been adjusted as a result of this procedure, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of Norway in accordance with the constitutional laws of that Kingdom.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Norway in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the Kingdom of Norway in accordance with its constitutional laws.



The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Norwegian languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twentieth day of February in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

H. H. BACHKE [SEAL]

EXTRADITION TREATY BETWEEN POLAND AND THE UNITED STATES, WITH AN  
ACCOMPANYING PROTOCOL<sup>1</sup>

*Signed at Warsaw, November 22, 1927; ratifications exchanged June 6, 1929*

The United States of America and the Republic of Poland, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the United States of America and the Republic of Poland, and have appointed for that purpose the following plenipotentiaries:

The United States of America: H. E. John B. Stetson, Jr., Envoy Extraordinary and Minister Plenipotentiary in Warsaw.

The Republic of Poland: H. E. August Zaleski, Minister for Foreign Affairs,

Who, after having so communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Poland shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties and who shall seek an asylum or shall be found within the territory of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

<sup>1</sup> U. S. Treaty Series No. 789.



## ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty, who shall have been charged with, or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide;
2. The attempt to commit murder;
3. Arson;
4. Wilful and unlawful destruction or damage of track and railroad establishments, which endangers human life;
5. Crimes committed at sea:
  - a. Piracy;
  - b. Wrongfully sinking or destroying a vessel at sea or attempting to do so;
  - c. Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of a vessel.
  - d. Assault on board ship upon the high seas, with intent to do bodily harm.
6. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein;
7. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear;
8. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, bank notes or other instruments of public credit, counterfeit dies and the utterance, circulation or fraudulent use of the above mentioned objects;
9. Forgery or the utterance of forged papers or the fraudulent use of any of the same, providing the loss occasioned exceeds one thousand dollars or Polish equivalent;
10. Embezzlement or criminal malversation committed by public officers or depositaries, where the amount embezzled exceeds one thousand dollars or Polish equivalent;
11. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries and where the amount embezzled exceeds one thousand dollars or Polish equivalent;
12. Fraud or breach of a trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or

corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one thousand dollars or Polish equivalent;

13. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one thousand dollars or Polish equivalent;

14. Larceny if the damage caused exceeds one thousand dollars or Polish equivalent;

15. Perjury or subornation of perjury, where as a result of such a false testimony, an innocent person has been punished by imprisonment or a more severe penalty, or a person has been unjustly acquitted of a crime or an unjust sentence was pronounced in a civil case where the amount exceeds one thousand dollars or Polish equivalent and a loss of this amount actually resulted;

16. Kidnapping of minors or adults defined to be the abduction or detention of a person or persons, in order to exact money from them, their families, or any other person or persons, or for any unlawful end;

17. Crimes and offences against the laws for the suppression of slavery or slave trading;

18. Crimes defined as the so-called traffic of women and girls, that means recruiting, abduction or seduction for immoral purposes of said persons, provided such crimes be punishable by imprisonment of at least one year, or by more severe penalty.

Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact, provided such participation be punishable by imprisonment of at least one year by the laws of both the high contracting parties.

### ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences.

When the crime belongs to those designated in Article II, sec. 1 and 2—the fact that the offence was directed against the life of the head of the state, the President, of one of the high contracting parties, or against the head of a foreign state, or against the life of any member of his family shall not be deemed sufficient to sustain that such crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

### ARTICLE IV

The person delivered up shall be tried only for the crime or offence for which he was surrendered. This provision, however, does not apply to the

case, when the said person fails to leave the territory of the party to which he was surrendered within the period of three months after the date of inflicting upon him the penalty for the crime or offence for which he was delivered, or after the date of his being advised of his acquittal or of the fact that his case has been dismissed.

#### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, or according to the laws of the place where he was found, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Extradition shall also not be granted if, in a case of concurrent jurisdiction, there has been concluded or is pending in the surrendering state the prosecution of the fugitive on a charge growing out of the same set of facts as that upon which the extradition is sought.

#### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the provisions hereof be actually under prosecution, out on bail or in custody, for another crime or offence, his extradition may be deferred until such proceedings be determined, or until he shall have been set at liberty in due course of law.

#### ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers, such criminal shall be delivered to that state whose demand is first received.

Nevertheless, the surrendering state may give preference to a third state provided it is bound by a treaty concluded with that state so to do.

#### ARTICLE VIII

Under the stipulations of this treaty, the United States of America shall not be bound to deliver up its citizens, and the Republic of Poland shall not be bound to deliver up either Polish citizens or those of the Free City of Danzig.

#### ARTICLE IX

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

## ARTICLE X

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agents from the country or its seat of government, requisitions may be made by consular officers.

A duly authenticated copy of the sentence of the court, before which the conviction of the criminal took place, shall be produced with requisition of surrender.

If the person, whose extradition is requested, is merely charged with crime or offence, or convicted by default, a duly authenticated copy of the warrant of arrest of the court, and of the depositions upon which such warrant may have been issued, shall be produced with such other evidence, as may be deemed competent in the case.

Extradition shall be carried out in conformity with the law governing it in the country where the requisition of surrender is made.

## ARTICLE XI

The arrest of a fugitive criminal may be requested even upon telegraphic advice, stating the existence of a sentence of conviction or a warrant of arrest.

In Poland the requisition for the arrest shall be directed to the Minister of Foreign Affairs, who will transmit it to the appropriate authorities.

In the United States of America, the requisition for the arrest shall be directed to the Secretary of State, who shall confirm the regularity of the requisition and request the appropriate authorities to take action thereon in conformity with the law.

In both countries, in case of urgency, the requisition for the arrest and detention may be addressed directly to the appropriate magistrate, in conformity with the laws in force.

A person provisionally arrested shall be released unless within three months from the date of arrest the formal requisition for surrender with the documentary proofs set out in Article X have been produced by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof.

## ARTICLE XII

In every case of a request made by either of the high contracting parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power.

No claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition, provided, however, that any officer or officers of the surrendering government so giving

assistance, who shall in the course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

These claims for fees are to be submitted through the intermediary of the respective government.

#### ARTICLE XIII

The expenses of arrest, detention, examination and transportation of the accused shall be paid by the government, which has preferred the demand for extradition.

#### ARTICLE XIV

The provisions of the present treaty shall be applicable to all territory wherever situated, belonging to either of the high contracting parties, or in the occupancy and under the control of either of them during such occupancy or control.

#### ARTICLE XV

The present treaty shall be ratified by the high contracting parties and the exchange of ratifications shall take place at Warsaw, as soon as possible.

This treaty shall take effect on the thirtieth day after the date of the exchange of ratifications and shall be applied, although the crime or offence, for which the extradition has been claimed, have been committed before its entering into force.

The present treaty may be terminated, yet it will remain in force for one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof, the undersigned plenipotentiaries have signed the present treaty and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22 day of November 1927.

[SEAL]

JOHN B. STETSON, JR.

[SEAL]

AUGUST ZALESKI

#### PROTOCOL ACCOMPANYING THE TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

At the moment of signing the treaty of extradition between the United States of America and the Republic of Poland the undersigned plenipotentiaries, duly empowered, have agreed as follows:

1. The Polish Government consents to extradite, at the request of the Government of the United States of America, all fugitive criminals as they are referred to in the accompanying treaty, in cases where the charge involved exceeds \$200.00, although the minimum provided for in the accompanying treaty for the high contracting parties is \$1,000.00.



The foregoing agreement applies to the provisions of Paragraphs 9, 10, 11, 12, 13, 14 and 15 of Article II of the accompanying treaty.

2. The Polish Government, which by virtue of Article 104 of the Treaty of Peace of Versailles conducts the foreign affairs of the Free City of Danzig, undertakes to do all that is necessary to secure the adherence of the Free City of Danzig to the provisions of this protocol and the accompanying treaty as soon as possible.

In faith whereof, the undersigned plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22 day of November 1927.

[SEAL]

JOHN B. STETSON, JR.

[SEAL]

AUGUST ZALESKI

#### ARBITRATION TREATY BETWEEN RUMANIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington March 21, 1929; ratifications exchanged July 22, 1929*

The President of the United States of America and His Majesty the King of Rumania

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Rumania:

Mr. Georges Cretziano, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one

<sup>1</sup> U. S. Treaty Series No. 794.



against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Rumania in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Rumania in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Rumania in accordance with the Constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of March one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]  
G. CRETZIANO [SEAL]

CONCILIATION TREATY BETWEEN RUMANIA AND THE UNITED STATES <sup>1</sup>

*Signed at Washington March 21, 1929; ratifications exchanged July 22, 1929*

The President of the United States of America and His Majesty the King of Rumania,

Being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Rumania:

Mr. Georges Cretziano, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Rumania, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a

<sup>1</sup> U. S. Treaty Series No. 795.

competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their coöperation in the investigation.

The high contracting parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

#### ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of Rumania in accordance with the provisions of the Rumanian Constitution.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of March, one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

G. CRETZIANO [SEAL]

#### ARBITRATION TREATY BETWEEN THE KINGDOM OF THE SERBS, CROATS AND SLOVENES AND THE UNITED STATES<sup>1</sup>

*Signed at Washington January 21, 1929; ratifications exchanged June 22, 1929*

The President of the United States of America and His Majesty the King of the Serbs, Croats and Slovenes,

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

<sup>1</sup> U. S. Treaty Series No. 790.

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Serbs, Croats and Slovenes:

Mr. Bojidar Pouritch, Chargé d'Affaires ad interim of the Kingdom of the Serbs, Croats and Slovenes at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of the Serbs, Croats and Slovenes in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the high contracting parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of the Kingdom of the Serbs, Croats and Slovenes in accordance with the Covenant of the League of Nations.

### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of the Serbs, Croats and Slovenes in accordance with the constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

DR. BOJIDAR POURITCH [SEAL]

### CONCILIATION TREATY BETWEEN THE KINGDOM OF THE SERBS, CROATS AND SLOVENES AND THE UNITED STATES <sup>1</sup>

*Signed at Washington, January 21, 1929; ratifications exchanged June 22, 1929*

The President of the United States of America and His Majesty the King of the Serbs, Croats and Slovenes, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Serbs, Croats and Slovenes:

Mr. Bojidar Pouritch, Chargé d'Affaires ad interim of the Kingdom of the Serbs, Croats and Slovenes at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

<sup>1</sup> U. S. Treaty Series No. 791.



## ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of the Kingdom of the Serbs, Croats and Slovenes, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; and the high contracting parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

## ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both governments and request their coöperation in the investigation.

The high contracting parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.



## ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Serbs, Croats and Slovenes in accordance with the constitutional laws of that Kingdom.

The ratification shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

DR. BOJIDAR POURITCH [SEAL]

ARBITRATION TREATY BETWEEN SWEDEN AND THE UNITED STATES <sup>1</sup>

*Signed at Washington October 27, 1928; ratifications exchanged April 15, 1929*

The President of the United States of America and His Majesty the King of Sweden

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on June 24, 1924, and for that purpose they have appointed as their respective plenipotentiaries;

The President of the United States of America,

Frank B. Kellogg, Secretary of State of the United States of America; and His Majesty the King of Sweden,

W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

<sup>1</sup> U. S. Treaty Series No. 783.

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

#### ARTICLE I

All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington, October 13, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Sweden in accordance with its constitutional laws.

#### ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

- (a) is within the domestic jurisdiction of either of the high contracting parties,
- (b) involves the interests of third parties,
- (c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,
- (d) depends upon or involves the observance of the obligations of Sweden in accordance with the Covenant of the League of Nations.

#### ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Sweden with the consent of the Swedish Riksdag.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications, from which date the arbitration convention signed June 24, 1924, shall cease to have any force or effect. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and Swedish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-seventh day of October, in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]

W. BOSTRÖM [SEAL]

### CONVENTION REGARDING THE ORGANIZATION OF THE STATUTE OF THE TANGIER ZONE

*Signed at Paris December 18, 1923; ratifications deposited May 14, 1924<sup>1</sup>  
As Amended by Protocol signed at Paris July 25, 1928; ratifications deposited  
September 14, 1928<sup>2</sup>*

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, His Majesty the King of Spain, the President of the French Republic, desirous of assuring to the town and district of Tangier the régime laid down by the treaties now in force, have appointed as their plenipotentiaries for this purpose:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India:

Mr. Malcolm Arnold Robertson, Minister Plenipotentiary, His Britannic Majesty's Agent and Consul-General at Tangier; and

Mr. Gerald Hyde Villiers, Counsellor of Embassy, head of Department in the Foreign Office;

His Majesty the King of Spain:

M. Mauricio Lopez Roberts y Terry, Marquis de la Torrehermosa, Chamberlain of His Majesty the King of Spain, Minister Plenipotentiary, head of the Colonial Department of the Ministry of State, his Plenipotentiary at the Conference regarding the organization of the Statute of Tangier; and

M. Manuel Aguirre de Carcer, Minister Resident of His Majesty the King of Spain, head of the Morocco Department of the Ministry of State, his assistant Plenipotentiary at this Conference;

The President of the French Republic:

M. Maurice-Paul-Jean Delarüe Caron de Beaumarchais, Minister Plenipotentiary, Sub-Director at the Ministry for Foreign Affairs:

Who having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

<sup>1</sup> British Treaty Series No. 23 (1924).

<sup>2</sup> British Treaty Series No. 25 (1928).

## ARTICLE 1

In conformity with the provisions of Article 1 of the Protectorate Treaty of March 30th, 1912, and of Article 7 of the Franco-Spanish Convention regarding Morocco of November 27th, 1912, the contracting governments agree that in the region defined in Article 2 hereunder and styled the Tangier Zone the maintenance of public order and the general administration of the Zone shall, under powers delegated by His Shereefian Majesty, be entrusted to the authorities and bodies hereafter denominated.

## ARTICLE 2

The Tangier Zone shall lie within the boundaries fixed by paragraph 2 of Article 7 of the Franco-Spanish Convention of November 27th, 1912.

## ARTICLE 3

The Tangier Zone shall be placed under a régime of permanent neutrality. Consequently, no act of hostility on land, on sea or in the air shall be committed by or against the Zone or within its boundaries.

No military establishment, whether land, naval or aeronautical, no base of operations, no installation which can be utilized for warlike purposes, shall be either created or maintained in the Zone.

All stocks of munitions and of war material are prohibited.

Such stocks as may be constituted by the Administration of the Zone to meet the requirements of local defence against the incursions of hostile tribes are however permitted. The Administration may also, for the same purpose, take all measures other than a concentration of air forces, and may even erect minor defensive works and fortifications on the land frontier.

The military stores and fortifications so permitted will be subject to inspection by the officers mentioned in the last paragraph of the present article.

Civil aerodromes established within the Tangier Zone will be similarly subject to inspection by the above-mentioned officers.

No aeronautical stores shall exceed the quantities necessary for civil and commercial aviation.

All civil or commercial aviation to, from or within the Zone of Tangier shall be subject to the rules and provisions of the Convention for the Regulation of Aerial Navigation.

Supply columns and troops proceeding to or coming from the French or Spanish Zones may, however, after previous notification to the administrator of the Tangier Zone, use the port of Tangier and the means of communication connecting it with their respective Zones, in passing to and from those Zones.

The French and Spanish Governments undertake not to make use of this power except in case of real necessity and then only for the period strictly

necessary for the embarkation or disembarkation of such troops and their passage through the Zone. In no case shall this period exceed forty-eight hours for an armed force.

No special tax or transit due shall be levied in respect of such passage.

The authorization of the Administration of Tangier is not necessary for the visits of warships, but previous notification of such visits shall nevertheless be given to the Administration if circumstances permit.

The British, Spanish, French, and Italian Governments have the right to attach to their consulates at Tangier an officer charged with the duty of keeping them informed as to the observance of the foregoing obligations of military order.

#### ARTICLE 4

The surveillance of contraband traffic in arms and munitions of war in the territorial waters of the Tangier Zone shall in normal times be exercised jointly by the naval forces of Spain and France, in view of the special interest of these two Powers due to the proximity of their respective zones of influence in the Shereefian Empire.

Should, in virtue of exceptional circumstances, the coöperation of the British or Italian naval forces in the surveillance referred to in paragraph 1 of the present article appear desirable, the British, Spanish, French and Italian Governments shall previously agree on the arrangements for such participation.

Offenders shall be brought before the Mixed Court of Tangier.

#### ARTICLE 5

The Tangier Zone shall possess, under authority delegated by His Shereefian Majesty and subject to the exceptions provided for, the most extensive legislative and administrative powers. This delegation of authority shall be permanent and general, except in diplomatic matters, where there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30th, 1912.

The duly constituted authorities of the Zone may, however, negotiate with the consuls on questions of interest to the Zone within the limits of its autonomy.

#### ARTICLE 6

The protection in foreign countries of Moroccan subjects of the Tangier Zone and of their interests shall be entrusted to the diplomatic and consular agents of the French Republic, in conformity with the provisions of Article 5 of the Protectorate Treaty of March 30th, 1912.

#### ARTICLE 7

The Tangier Zone shall respect all treaties in force.

Economic equality among nations, resulting from such treaties, shall



continue to be observed in Tangier, even if the said treaties are subsequently abrogated or modified.

#### ARTICLE 8

International agreements concluded in the future by His Shereefian Majesty shall only extend to the Tangier Zone with the consent of the International Legislative Assembly of the Zone.

By exception, international agreements to which all the Powers signatories of the Act of Algeciras are contracting parties or shall have acceded apply automatically to the Zone.

*Dahirs* issued by His Shereefian Majesty in order to modify the organic texts of the Zone in conformity with agreements concluded or to be concluded for the revision of the Tangier Statute between the Powers signatories of the present convention shall apply automatically to the Zone.

The provisions of Article 141 *et seq.* of the Treaty of Versailles continue to apply to the Tangier Zone. The Shereefian *dahirs* issued in consequence of those provisions can only be modified in agreement with the central Shereefian Authority.

#### ARTICLE 9

In virtue of the provisions of Article 141 *et seq.* of the Treaty of Versailles, of Article 96 *et seq.* of the Treaty of Saint Germain-en-Laye, and of Article 80 *et seq.* of the Treaty of Trianon, the provisions of the present statute can in no case be invoked by German, Austrian or Hungarian nationals.

#### ARTICLE 10

Any agitation, propaganda or conspiracy against the established order in any of the Zones of Morocco or in any foreign country is prohibited.

Offenders, whosoever they may be, shall be brought before the Mixed Court of Tangier.

A mixed intelligence bureau composed of a senior Spanish officer, who shall be head of the bureau, and of a French subaltern officer, who shall be assistant to the head of the bureau, and of a Spanish subaltern officer, shall be established at Tangier and entrusted with the task of watching all matters affecting the security of Tangier in relation to that of the neighboring Zones and of foreign countries.

In view of the special importance which the proceedings of this bureau will have for the other Zones of Morocco, its cost will be entirely defrayed by the Spanish and French Governments.

The head of the bureau will fulfil the functions and will bear the title of Inspector-General of Security in the Tangier Zone and as such his appointment must receive the concurrence of the Committee of Control.

Without intervening in the work of the services of the Tangier Administration, the Inspector-General of Security will be the counsellor of the authori-



ties of the Zone, mentioned below in the present article, for the application of Article 3, paragraph 1, of the present convention in so far as it concerns the security of Tangier in relation to that of the neighboring Zones and foreign countries, for the application of Article 10 dealing with subversive propaganda, contraband, and in a general manner for the application of the existing provisions concerning undesirables and conspiracy directed against the established order both in Morocco and in foreign countries.

He will communicate his information to the Administrator in order to enable the latter to take the appropriate measures of surveillance or to order the necessary investigation.

However, if the facts of which he has knowledge appear to him to have a definitely criminal character, he may lay information direct with the public prosecutor of the Mixed Tribunal.

The Inspector-General of Security is authorized to present to the Committee of Control all observations, suggestions and advice which he may think it his duty to offer concerning the organization of the services of the Administration entrusted with the application of Article 3, paragraph 1, and of Article 10 of the present convention.

The various authorities of the Tangier Zone mentioned above, with whom in virtue of the present article the Inspector-General of Security is placed in contact, shall facilitate his mission and shall in particular indicate to him the action, if any, which has been taken as the result of his representations. The Committee of Control will serve in this respect as the intermediary between the authorities of the Zone and the Inspector-General.

#### ARTICLE 11

Subject to the observance of public order, freedom of worship shall be assured in the Tangier Zone.

#### ARTICLE 12

The Powers signatories of the Act of Algeciras have the right to maintain in the Tangier Zone the schools and all the establishments which belong to them, or to their nationals, at the date of the entry into force of the present convention.

Any establishments which may subsequently be created must conform to the regulations which will be promulgated. These regulations shall be based, as regards their general principles, on those in force in the French and Spanish Zones of the Shereefian Empire.

#### ARTICLE 13

As a result of the establishment at Tangier of the Mixed Court, as provided in Article 48, the capitulations shall be abrogated in the Zone. This abrogation shall entail the suppression of the system of protection.

Moroccan subjects, whose rights to protection shall have been previously recognized, shall be personally, and during their lifetime, justiciable before the Mixed Court of Tangier.

The existing lists of protected persons shall be revised, within a period not exceeding six months from the date of the entry into force of the present convention, by agreement between a representative of the Shereefian Government and the consulate concerned.

The provisions of the Convention of Madrid of July 3rd, 1880, shall remain in force in so far as concerns naturalization. The list of Moroccan subjects naturalized at Tangier shall be revised in the same manner and within the same period.

#### ARTICLE 14

In default of the institution by the Tangier Zone of a local interurban postal, telegraph and telephone service, which shall only be effected with the unanimous approval of the Committee of Control, the Powers signatories of the Act of Algeciras shall be permitted to maintain at Tangier the post offices and cable stations which they possess there at the date of the entry into force of the present convention.

In the event of the creation of a local interurban postal, telegraph and telephone service, the Shereefian post and telegraph service shall transfer to it the exclusive rights which it holds in the matter of interurban telegraphs and telephones in virtue of the agreements between the Shereefian Government and the company holding the concession for interurban telegraphs and telephones.

There shall be no prejudice to the rights of states or companies actually in possession of telegraph cables landing at Tangier.

The establishment of new cables shall be arranged in agreement with the administration of the Zone.

#### ARTICLE 15

The revision of the holdings of *habous* and Makhzen properties, as provided in Article 63 of the Act of Algeciras, shall be carried out in the Tangier Zone by agreement between a representative of the Shereefian Government and the consulate concerned, within a period not exceeding six months from the date of the entry into force of the present convention.

In default of such agreement, the representative of the Makhzen and the consul concerned shall refer the matter to arbitration by a member of the Mixed Court appointed by the parties or selected by lot.

#### ARTICLE 16

The Shereefian State shall transfer its public and private property, including its rights over the "guich" lands, to the Tangier Zone, which shall administer it, collect the revenues therefrom for its own benefit and ensure its preservation without power to alienate any portion thereof.

This transfer will terminate on the expiry of the present convention, and the property transferred to the Zone will then revert to the Shereefian State.

#### ARTICLE 17

The public state property comprises:—

(a) Maritime Property.

The sea and the shore with a foreshore of six metres, certain rights over which have already been ceded under the concession granted to the port concessionary company. These rights shall be respected by the Tangier Zone. The fishery revenues, including the royalties payable to the state under the fishery concessions already granted by the Shereefian Government, as well as the obligations arising from those concessions, shall accrue to the Tangier Zone.

(b) Land Property.

The road from Tangier to Tetuan.

The road from Tangier to Larache and to Rabat.

The road to Cape Spartel.

The road from the station to the harbor and skirting the harbor.

The urban highways.

The sewers and water ducts and their appurtenances, subject to the rights of any holders of water concessions.

The Zone shall:

1. Maintain the roads from Tangier to Tetuan and those from Tangier to Larache and to Rabat within the Tangier Zone, as a first charge on the proceeds of the "Taxe Spéciale";

2. Place at the gratuitous disposal of the Franco-Spanish Tangier-Fez Railway Company such state property as may be necessary for its requirements.

(c) Fluvial Property.

The watercourses.

All existing rights and all rights of user in favor of third parties are reserved.

(d) Mining Property.

The mining dues in the Tangier Zone and the export duties collected on minerals raised in the Zone shall accrue to the Administration of the Zone.

(e) Forest Property.

#### ARTICLE 18

The private state property comprises all real estate, both land and buildings, inscribed in the registers of Makhzen property and not mentioned in Article 17 as also the slaughter-houses.

Subject to the provisions of Article 15 above, the leases and holdings of Makhzen property by private individuals, as also the *gza* or other rights established on the said properties, shall be respected. The same shall apply in the case of any uses to which such lands may have been put in the public interest.

The Shereefian State, however, reserves to itself the following properties for the public services which it maintains at Tangier:

- The former German Legation and its dependencies;
- The Sultan's Palace;
- The Kasba and its dependencies;
- The guard-house of the Mokhaznis on the ramparts;
- The land and the guard-house on the hill leading up to the Marshan now occupied by the *compagnie chérifienne*.

No new lease, beyond those already in existence, shall exceed the duration of the present convention.

#### ARTICLE 19

In order that each Zone may receive the mining dues which properly belong to it, the respective dues shall be credited to the Zone in which the minerals concerned are extracted even though the dues be collected by a custom office of another Zone.

#### ARTICLE 20

The Tangier customs shall levy duties and taxes only on goods destined exclusively for consumption in the Zone.

Goods landed at Tangier and destined for use or consumption in the French or Spanish Zones shall enjoy the benefit of the ordinary rules of transit, warehousing or temporary admission, the proper custom duties being collected at the custom houses of the Zone of consumption.

The transit regulations will be based on the conclusions of the Barcelona Conference of 1921.

Similarly, imported goods arriving through the French or Spanish Zones shall pay custom duty on entering the Tangier Zone.

Export duties will be leviable only on goods originating in the Zone.

#### ARTICLE 21

The Tangier Zone shall bear its share of the service of the 1904 and 1910 loans.

This share shall be calculated on the ratio borne by the custom receipts collected by the Zone to the aggregate of the receipts collected in the ports of the three Zones of Morocco during the preceding year.

The amount shall be fixed annually on the basis of the figures of the custom receipts after agreement with the authorities of the two other Zones.

For the first year, the share of the Tangier Zone will not be finally fixed until the end of the year of account, and a provisional charge of 500,000 francs will be made against the custom receipts, subject to ultimate adjustment by surcharge or refund.

#### ARTICLE 22

Inasmuch as the autonomy of the Tangier Zone cannot prejudice the rights and privileges granted, in conformity with the Act of Algeciras, to the State Bank of Morocco in respect of the whole territory of the Empire, the State Bank shall continue to enjoy in the Zone all the rights which it derives from its charter and from the regulation of November 9th, 1906, respecting its relations with the Shereefian Government.

The State Bank for its part shall fulfil towards the Administration of the Zone all the obligations incumbent upon it in virtue of the above-mentioned instruments.

It shall appoint a representative to be responsible for its relations with the Administration of the Zone.

In the event of the juridical status of the State Bank being modified in the French and Spanish Zones, the Mixed Court of Tangier shall have, in respect of the State Bank, the same competence as the French and Spanish jurisdictions in those Zones.

#### ARTICLE 23

The Moroccan franc shall be lawful currency and shall be legal tender in the Tangier Zone.

The budget of the Zone, and all scales of charges and accounting operations pertaining thereto, shall be drawn up in Moroccan francs.

In conformity with Article 37 of the Act of Algeciras Spanish currency shall be permitted to circulate as heretofore and shall be legal tender.

The rate of exchange between the two currencies, notably as regards payments collected on behalf of the Administration, shall be fixed daily by the State Bank of Morocco, after verification and endorsement by the Director of Finance whose duty it will be to supervise the accuracy of the rate fixed. This rate shall be the mean between the current buying and selling prices prevailing on the spot from day to day.

Declarations of taxable values may be expressed in either currency. The scale of charges must be exhibited in both currencies in the collectors' offices.

#### ARTICLE 24

Inasmuch as the administrative autonomy of the Zone cannot prejudice the rights, prerogatives and privileges granted in conformity with the Act of Algeciras to the *Société internationale de Régie co-intéressée des Tabacs au Maroc*, the said company shall continue to enjoy in the Zone all the rights



derived from the instruments by which it is governed. The autonomy of the Tangier Zone cannot interfere with its operation and the authorities shall facilitate the free and full exercise of its rights.

Tobacco imported at Tangier and admitted free of custom duties under Article 20 above shall be exempt in Tangier from gate duty and local indirect taxation.

The duty of  $2\frac{1}{2}$  per cent. leviable on tobacco imported through Tangier accrues wholly to the Zone.

The scale of prices of tobacco in the Tangier Zone shall be the same as in the French Zone. It can only be modified by agreement between the Legislative Assembly and the *régie*.

The division of the fixed annual royalties and the profits (Articles 20 to 23 of the "*Cahier des charges*") shall be effected by the application of a percentage to be calculated on the ratio borne by the actual consumption of the Zone during the preceeding year to the total consumption of the Empire.

The same percentage will apply in calculating the share payable by the Tangier Zone in the event of the expropriation of the company before the expiry of its concession.

#### ARTICLE 25

Inasmuch as the autonomy of the Zone cannot prejudice the sovereign rights of His Majesty the Sultan, nor his prestige and prerogatives as head of the Mussulman community of the Empire and as head of the Shereefian family residing in Tangier, the administration of the native population and of Mussulman interests in the Zone as well as the administration of justice shall continue to be exercised, with respect for traditional forms, by a Moroccan staff directly appointed by the Sultan and under the control of his agents.

#### ARTICLE 26

Subject to the maintenance of public order, the free practice of the religion of the natives and of its traditional customs, and the observance of the traditional Mussulman and Jewish festivals and their ceremonial, shall be respected and guaranteed in the Zone.

#### ARTICLE 27

The contracting Powers undertake to draw up with as little delay as possible rules regulating the administrative and juridical status of the Moroccan Jewish community of Tangier.

#### ARTICLE 28

Moroccan subjects, whether Mussulmans or Jews, shall enjoy complete equality with the nationals of the Powers in the matter of duties and taxes of all kinds.

They shall pay exactly the same duties and taxes.



They shall have the benefit, under the same conditions as foreign nationals, of any relief, hospital or educational institutions which may be created or subsidized by the Zone.

#### ARTICLE 29

His Shereefian Majesty will nominate a Mendoub to represent him at Tangier. The Mendoub will promulgate the legislation passed by the International Assembly and countersigned by the President of the Committee of Control. He will directly administer the native population. He will fulfil the functions of Pasha and exercise those administrative and judicial powers which fall normally under this head within the Empire. He will have the right of expulsion as regards Moroccan subjects, and will exercise the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of the titular members of the court.

In the case of an individual of a nationality not represented on the court, his consul will have the right to take part in the discussions.

Expulsion must be ordered if it is demanded by the consul of the individual concerned.

The Mendoub shall quote the decision of the court in the recitals of the expulsion order.

It will be his duty to ensure the observance and execution by the persons whom he administers of the general clauses of the statute of the Zone, and especially to ensure by the administrative and judicial means at his disposal the exact payment of the duties and taxes due from the native population.

The Mendoub shall preside over the International Legislative Assembly and may take part in its deliberations but will not vote.

#### ARTICLE 30

The Committee of Control will consist of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or of their substitutes *de carrière*.

The functions of President of the Committee of Control will be performed by the consuls of the Powers in rotation for one year each. These functions will consist in convening the meetings of the committee, in bringing before it all communications addressed to it, and in executing all business within its competence.

The first consul to fulfil the functions of President will be selected by lot. Thereafter the consuls will assume the presidency in the alphabetical order of the Powers represented on the committee. Should a consul whose turn it is to preside be unable for any reason to assume office or carry out its functions, the latter will be exercised by the consul of the Power next in alphabetical order. The same procedure will apply to the appointment of a substitute in the event of the President's absence on account of illness or other cause.

Each member of the Committee of Control will have only one vote.

It will be the duty of the Committee of Control to ensure the observance of the *régime* of economic equality and the provisions of the statute of Tangier.

The President either of his own initiative or on the demand of one of its members will convene the Committee of Control and lay before it such matters as are within its competence.

#### ARTICLE 31

The Committee of Control shall receive through the Administrator within the space of eight days the texts of the laws and regulations voted by the Assembly.

Within fifteen days from the date of such notification the Committee of Control will have the right to veto the promulgation of any enactment.

In such cases its decisions shall be taken by a majority vote. The non-observance of the provisions and principles of the statute must be recited in the decision.

In the absence of any stipulation to the contrary, a majority vote will constitute a decision of the Committee of Control.

In the case of equality there must be a second discussion within a period of eight days.

If at the second discussion there be no majority, the President's vote will be decisive.

The decision of the committee will be notified to the Mendoub by the President.

#### ARTICLE 32

The legislative powers are vested in an International Legislative Assembly under the presidency of the Mendoub and composed of the representatives of the foreign and native communities.

The codes enumerated in Article 48 below may, however, be abrogated or modified only after agreement between the French and Spanish Zones of the Shereefian Empire and the Committee of Control, whose vote in such cases must be unanimous.

The regulations and fiscal enactments enumerated in the following article may not be abrogated or modified during the first period of two years. On the expiry of this period they may be abrogated or modified with the assent of the Committee of Control on a three-fourths majority vote.

The codes as well as the above-mentioned legislative and fiscal enactments shall be drawn up by commissions of British, Spanish and French experts, whose labors must be completed within a period of three months dating from the signature of the present convention.

#### ARTICLE 33

The regulations and fiscal enactments referred to in paragraph 3 of the preceding article are as follows:

*Dahir* relating to associations;

*Dahir* regulating the opening and running of liquor shops;

*Dahir* regulating the practice of the professions of doctor, chemist, dentist, veterinary surgeon and midwife;

*Dahir* regulating the opening and working of unhygienic, obnoxious or dangerous establishments.

*Dahir* relating to the protection of historical monuments and sites.

*Dahir* relating to street alignment, house-planning, servitudes and road dues.

*Dahir* laying down rules for expropriation and temporary occupation for purposes of public utility;

Statement of the general conditions to be imposed upon contractors for public works.

*Dahir* laying down the conditions for the temporary occupation of portions of state property.

*Dahir* laying down the procedure for the delimitation of private state property.

*Dahir* relating to the working of quarries.

*Dahir* enforcing the Mining Regulations of 1914.

Regulations relating to public accountancy.

*Dahir* fixing the duty and laying down regulations regarding alcohol.

*Dahir* regulating consumption duties on sugars, principal colonial products and their derivatives (tea, coffee, cocoa, vanilla, etc.), candles, and beers.

*Dahir* relating to registration (rights of transfer) and stamp.

*Dahir* laying down the conditions of transfers of landed property in accordance with the common law (Shra'a).

#### ARTICLE 34

In consideration of the number of nationals, the volume of commerce, the property interests and the importance of local trade at Tangier of the several Powers signatories of the Act of Algeciras, the International Legislative Assembly shall be composed of—

- 4 French members,
- 4 Spanish members,
- 3 British members,
- 3 Italian members,
- 1 American member,
- 1 Belgian member,
- 1 Dutch member,
- 1 Portuguese member,

nominated by their respective consulates, and in addition—

- 6 Mussulman subjects of the Sultan nominated by the Mendoub, and

3 Jewish subjects of the Sultan nominated by the Mendoub and chosen from a list of nine names submitted by the Jewish community.

The Assembly shall appoint from among its members four vice-presidents, a French citizen, a British subject, a Spanish subject, and an Italian citizen, responsible for assisting the Mendoub in presiding over the Assembly and of acting as deputy for him in his absence.

#### ARTICLE 35

The Administrator will carry out the decisions of the Assembly and direct the International Administration of the Zone.

The Administrator will have under his orders three assistant administrators and two engineers.

One of the assistant administrators, with the title of Director, will be especially responsible for the services of health and relief; one assistant administrator, with the title of Director, will be especially responsible for the financial services; one assistant administrator, with the title of Director, will be especially responsible for the services relating to the administration of justice.

For the first period of six years the Administrator will be of French nationality; the assistant administrator responsible for the services of health and relief will be of Spanish nationality; the assistant administrator responsible for the financial services will be of British nationality, the assistant administrator responsible for the services relating to the administration of justice will be of Italian nationality. The Administrator, the three assistant administrators and the two engineers will be appointed by His Shereefian Majesty at the instance of the Committee of Control, to whom they will be presented by their respective consulates.

After this first period of six years, the Assembly will appoint the Administrator and the assistant administrators from among the nationals of the Powers signatories of the Act of Algeciras. The four posts must, however, be conferred on persons of different nationality.

The Committee of Control may if necessary, on a three-fourths majority vote, present a demand accompanied by a statement of the grounds on which it is based for the removal of the Administrator to His Shereefian Majesty who will appoint a candidate of the same nationality.

If the collaboration of one of the assistant administrators or of one of the two engineers does not give satisfaction to the Administrator, the latter will lodge a demand, accompanied by a statement of the grounds on which it is based, for his removal with the Committee of Control who will present to His Shereefian Majesty a candidate of the same nationality.

#### ARTICLE 36

The salaries of the officials will be fixed by the Assembly.

For a first period of six years, however, the salaries of the administrator, the assistant administrators and the engineers will be fixed as follows:

Administrator	50,000 Moroccan francs.
Assistant Administrator	40,000       "       "
Engineer	38,000       "       "

The Administration will also provide housing accommodation for these officials.

During the first period of six years, referred to above, these salaries may, as an exceptional measure, be modified at the request of the Assembly on a decision accompanied by a statement of the grounds on which it is based of the Committee of Control on a three-fourths majority.

#### ARTICLE 37

The recruitment of the officials of the International Administration, other than those specified in Article 36 above, shall be effected by a committee presided over by the Administrator and composed of the four vice-presidents of the Assembly and of the head of the service concerned.

The committee must satisfy itself, by enquiring of the consul of the nationality concerned, that the candidate has a satisfactory record. The required information must be given within a month from the date on which it is sought. Otherwise the committee may proceed with the appointment of the candidate.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

#### ARTICLE 38

The proceeds of the "Taxe Spéciale" accruing to the Tangier Zone shall be paid into the State Bank on account of the Zone.

Shall be a first charge on these receipts:

- the works and upkeep in the Tangier Zone of the roads from Tangier to Tetuan and from Tangier to Larache and Rabat;
- the improvement and upkeep of the maritime lighting and buoyage other than the port lights and buoys.

Any available surplus shall be applied, in accordance with Article 66 of the Act of Algeciras, to the cost of the upkeep and of the carrying out of public works for the development of navigation and commerce in general.

#### ARTICLE 39

The administration of the *Contrôle de la Dette* shall retain the rights, privileges and obligations accruing to it under the convention of March 21, 1910.



This administration shall request the Shereefian Government to nominate the head of the customs service of Tangier, who will be dependent on the Moroccan customs Administration.

The customs and excise service of Tangier shall levy and collect the custom duties on goods imported for the consumption of the Zone and on goods exported from the said Zone.

It shall likewise levy and collect the dues and profits of the tobacco monopoly and the  $2\frac{1}{2}$  per cent. tax established by the Act of Algeciras under the name of "Taxe Spéciale des Travaux Publics."

It shall also levy and collect the various consumption taxes.

It shall not levy the other taxes and revenues, viz.: the urban tax, the gate-tax, the state property revenues, the proceeds of the *mostafadat*.

The custom and excise service shall appropriate from its receipts, after providing for its own administrative expenses, the sums required to meet the various fixed charges on the Tangier Zone which it will remit at the due dates to the proper quarters, viz.:

- (1) to the representatives of the bond-holders of the 1904 and 1910 loans;  
the share of Tangier in the service of those loans;
- (2) to the Shereefian State;  
the custom duties paid by the Administration of the tobacco monopoly in respect of tobacco not consumed in the Tangier Zone;
- (3) to the Tangier-Fez Railway;  
the share of Tangier in the guarantee of its loans;
- (4) to the Tangier Port Company;  
the annuities of the service of its loans.

The custom and excise service shall remit the proceeds of the "Taxe Spéciale" to the State Bank of Morocco.

If the receipts be less than the total of the above-mentioned charges, the deficit shall be a prior charge on the total revenues of Tangier or, if needs be, on its reserve funds;

If they be in excess, the surplus shall be deposited with the State Bank to the account of the Administration of the Zone.

The budget of the custom service will be presented annually before November 15 to the Administrator, who will submit it to the Assembly for approval. In the event of disagreement the dispute between the Administration of the Zone and the custom service will be arbitrated by the Committee of Control whose decisions will be taken on a majority vote. A majority of three-fourths is necessary for disputes relating to the creation or suppression of posts.

If the approval of the budget of the custom service has not been given by January 1, the provisions of the previous budget shall be applied to the new year of account.

The Committee of Control may, if needs be, and on a three-fourths major-



ity, lodge with the Shereefian Government a demand, accompanied by a statement of the grounds on which it is based, for the removal of the head of the custom service.

#### ARTICLE 40

Subject to the conditions laid down below the Shereefian Government shall:

(1) transfer to the Tangier Zone the rights and obligations accruing to it from the deed of the port concession of June 21, 1921.

(2) transfer to the Tangier Zone, for the benefit of that zone, its right of taking over the concession in the event of forfeiture or expropriation of the concession or on its expiry.

The Zone will assume in their entirety the obligations devolving on the Shereefian Government under the conditions of the concession. The annuities of the capital guaranteed by the Shereefian Government shall be met by the Zone as a first charge on the custom receipts and the profits on the working of the port and on the port lands.

There shall be submitted to the approval of the Shereefian Government:

- (a) any modification of the conditions of the concession and of the statutes of the port concessionary company;
- (b) any partial or total transfer of the concern;
- (c) forfeiture;
- (d) expropriation.

As long as the guarantee of the Shereefian Government remains in force, there shall likewise be submitted to the approval of that government

- (a) any change from registered shares to bearer shares;
- (b) any agreement, disposition or arrangement allowed under the conditions of the concession and entailing an increase of the capital furnished by the company as laid down in Article 10 of the Port Convention.

The approval of the Shereefian Government may be given in its name by its representative on the Port Commission.

In default of the fulfilment by the Administration of Tangier of the obligations referred to in the preceding paragraphs, the Shereefian Government will resume the sole financial control of the concession.

If called upon to do so by the Administration of Tangier, the Shereefian Government will exercise the right which it possesses under the last paragraph of Article 6 of the Convention relating to the Tangier Port Concession. It is understood that the said Administration will be under the express obligation of refunding to the Shereefian Government any expenses incurred through the exercise of this right.

If called upon to do so by the Administration of Tangier the Shereefian Government will likewise exercise the right which it possesses under Article

6 of the Convention relating to the Tangier Port Concession to accelerate the redemption of the guaranteed bonds, in such measure as the said Administration shall provide from its own resources for the cost of such acceleration.

Both the shares and bonds issued by the concessionary company shall be exempt in the Tangier Zone from all duties, taxes and contributions.

#### ARTICLE 41

There shall be constituted a Port Commission whose functions will be those of the *Service du Contrôle* as defined in the deed of concession and subject to the provisions of Article 40 above.

So far as the execution of works of construction and upkeep are concerned, the commission will take its decisions on the advice of the engineer responsible for the state works of the Zone and for the superintendence of the port works, to whom the technical responsibility belongs. In the event of the commission being in disagreement with the engineer, the latter's opinion shall be annexed to the minutes of the proceedings.

Under the authority of the Committee of Control the commission shall ensure the observance of the régime of economic equality in the working of the port.

The commission shall be composed of:

- a representative of the Shereefian Government;
- a representative of the Legislative Assembly;
- a representative of the Committee of Control.

The engineer will attend its meetings with a right to take part in the discussions and to vote.

The Administrator of the Zone has the right to attend the meetings of the commission in a consultative capacity.

A representative of the commercial interests of Tangier chosen by the chambers of commerce and the directors or heads of service of the International Administration shall also have the right to be summoned in a consultative capacity for the discussion of any matters which concern them.

The local manager of the concessionary company may also be heard.

On application to that effect the consuls shall also be heard on questions which concern them.

In addition to the periodical meetings which it may decide to hold, the commission may be convened on the initiative of one of its members, and in case of urgency on that of the Administrator of the Zone.

The rules of procedure of the commission shall be approved by the Committee of Control.

The commission will appoint its president. In default of such appointment the functions of president will be performed by each of the three members in rotation.

Contracts for supplies of imported materials as well as plant (with the exception of any supplies or purchases of material subject to a contract awarded after public tender) shall be put up to competition under the control of the Port Commission.

In the case of supplies of a cost exceeding 20,000 francs but not exceeding 100,000 francs the commission shall:

(1) prescribe the manner in which the contract is to be concluded and also the conditions under which either the call for tenders with a view to purchases by agreement, or the contract awarded after public tender shall be effected;

(2) approve contracts and decisions regarding tenders.

In the case of supplies of a cost exceeding 100,000 francs the procedure shall be by public tender.

#### ARTICLE 42

The anchorage dues existing in virtue of the ancient treaties of commerce shall be replaced by the berthage dues provided for under the port concession.

#### ARTICLE 43

The Administration of Tangier will ensure that any disputes which may arise between the port concessionary company and the Tangier-Fez railway company shall be settled by arbitration as provided respectively in the conditions attached to the two concessions.

#### ARTICLE 44

As regards the Tangier-Fez railway, the Administration of Tangier shall have, within the limits of the Zone, all the rights and obligations accruing to it under the Franco-Spanish Protocol of November 27, 1912, and the concession of March 18, 1914, and its annexes.

Any supplementary conditions attached to the concession by agreement between the French and Spanish Governments, before the entry into force of the present statute, shall apply to the Tangier Zone.

#### ARTICLE 45

Subject to any stipulation to the contrary in the present convention, the rights and obligations accruing from any concession granted in the Tangier Zone before the entry into force of the present convention shall be transferred to the said Zone.

Any concession granted in the future by the Tangier Zone for a period exceeding the duration of the present convention, and that of the periods for which it may be renewed, will only be binding on the Shereefian Government, in the event of non-renewal of the statute, if the said government has, previously, formally approved such concession at the instance of the applicant.

## ARTICLE 46

There shall be created a budget for the Tangier Zone. This budget will be drawn up and executed according to the rules laid down in the annexed organic "*dahir*."

## ARTICLE 47

Public security in the Zone shall be assured exclusively by a force of native gendarmerie placed at the disposal of the Administrator.

The strength of this force shall be fixed at a maximum of 400 men for a period of twelve months from the date of its formation.

On the expiry of this period of twelve months the strength shall be fixed at 250 men and shall not be either increased or reduced without the unanimous consent of the Committee of Control.

From the date of the formation of the gendarmerie until the 31st December, 1928, the Spanish and French Governments shall contribute to the cost of this force by utilizing the credits made available by the dissolution of the existing *tabors*. After this date and until the end of the period of twelve months referred to above, the two governments shall pay to the Zone a subvention representing the difference between the sum of 1,500,000 francs, which the Zone must provide in its budget for the maintenance of the gendarmerie, and the actual cost of the force. Each of the two governments shall pay one half of the said subvention.

On the expiry of the said period the Spanish and French Governments shall bear in equal parts the supplementary cost occasioned by the maintenance of the gendarmerie at 250 men, namely, 350,000 francs each. The sum of 1,500,000 francs voted in the budget of the Zone will thus be raised to 2,200,000 francs, which represents the estimated cost of the force.

The gendarmerie shall be recruited from each of the existing *tabors* in equal numbers. Equality between the French and Spanish elements shall be maintained both when the strength of the force is reduced and when vacancies occur.

The gendarmerie shall be commanded by a Spanish officer of the rank of major, who will have a French second-in-command of the rank of captain. The European *cadre* shall contain an equal proportion of French and Spanish officers and non-commissioned officers. In view of the international character of the force it may comprise officers and non-commissioned officers belonging to other nationalities.

The gendarmerie may be garrisoned in the town of Tangier and maintain posts in the surrounding country.

The regulations respecting the gendarmerie are annexed to the present convention.

## ARTICLE 48

An international tribunal, called the Mixed Court of Tangier, shall be responsible for the administration of justice over nationals of foreign Powers.

It shall be composed of magistrates of Belgian, British, Spanish, French and Italian nationality.

The legal representation of the public interests will be entrusted to two magistrates, one French and the other Spanish.

The Mixed Court at Tangier is the subject of the annexed special *dahir*. It will replace the existing consular jurisdictions.

The *dahir* instituting the Mixed Court at Tangier can only be modified with the consent of all the Powers signatories of the Act of Algeciras.

The relations of the judicial authorities of the French and Spanish Zones with the Mixed Court of Tangier will be governed by the agreement of December 29, 1916, concerning the relations between the judicial authorities of these two Zones.

The three governments undertake that the preparation of the codes necessary for the functioning of the court shall be completed within three months from the date of signature of the present convention. These codes are as follows:

Code respecting the civil status of foreigners in the Zone.

Commercial Code.

Penal Code.

Code of Criminal Procedure.

Code of obligations and contracts.

Code of civil procedure with an annex fixing the Court expenses.

Registration Code.

#### ARTICLE 49

From the date of the entry into force of the new administration, the diplomatic agencies at Tangier will be replaced by consulates.

#### ARTICLE 50

The existing commissions and committees at Tangier shall be abolished.

The duty of fixing the scale of custom values applicable in the three Zones, which at present devolves upon the commission of custom values, will be entrusted to a commission composed of representatives of the three Zones. This commission will meet in Tangier at least twice a year.

Should protests be made on the ground of economic inequality against the decisions of the commission, in so far as they concern the Tangier Zone, such protests shall be submitted to the Committee of Control.

#### ARTICLE 51

Arabic, Spanish and French shall be the only official languages of the Tangier Zone. The Legislative Assembly will regulate their use.

Laws and regulations must be published in the three languages.



## ARTICLE 52

Games of chance shall be forbidden in the Tangier Zone.

This prohibition shall be absolute except on a decision, by unanimous vote, of the Committee of Control.

## ARTICLE 53

The contracting governments recognize that the Shereefian Government retains its property rights in the Cape Spartel lighthouse, the Convention of March 31st, 1865, remaining provisionally in force.

## ARTICLE 54

Disputes which may arise in regard to the interpretation and the application of the provisions of the present convention shall be referred to the Permanent Court of International Justice or, by agreement between the parties, to the Permanent Court of Arbitration at the Hague.

## ARTICLE 55

All clauses of previous treaties, conventions or agreements which may be contrary to the provisions of the present statute are abrogated.

## ARTICLE 56

The present convention shall be communicated to the Powers signatories of the Act of Algeciras and the contracting governments undertake to lend each other mutual support in obtaining the accession of those Powers.

The convention shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It is concluded for a period of 12 years dating from such ratification.

It shall be renewed automatically for one or more equal periods if at least six months before its expiry none of the contracting Powers has demanded its revision. In such case it will remain in force while the revision by common agreement is being effected.

In faith whereof, the under-signed plenipotentiaries have signed the present treaty.

Done at Paris, the 18th December, 1923, in triplicate.

ARNOLD ROBERTSON

G. H. VILLIERS

M. DE BEAUMARCHAIS

*Ad referendum* and subject to the reserves made by us as regards Articles 2, 3, 6, 8, 9, 13, 14, 25, 29, 32, 33, 40, 41, 45, 47, and 56 and generally subject to all reserves made in the course of the negotiations:

MAURICIO LOPEZ ROBERTS,

*Marquis de la Torrehermosa*

M. AGUIRRE DE CARCER



The under-signed, duly authorized by the Royal Government, declare that their signatures shall hereafter be regarded as given without condition or reserve.

MAURICIO LOPEZ ROBERTS,  
*Marquis de la Torrehermosa*  
M. AGUIRRE DE CARCER

*Paris, the 7th February, 1924.*

#### ANNEX

##### REGULATIONS FOR THE GENDARMERIE IN THE TANGIER ZONE

###### (I)—*Organization*

ARTICLE 1.—A force of gendarmerie belonging to the Zone shall be formed at Tangier.

ARTICLE 2.—This force shall—

(1) Maintain order in the Zone. It must assist the local police on the demand of the Administrator.

(2) Effectively guarantee public security in the Zone.

ARTICLE 3.—The gendarmerie is placed under the authority of the Administrator of the Zone.

ARTICLE 4.—It shall be commanded by a Spanish officer of the rank of major, who shall be assisted by a French officer of the rank of captain.

The European *cadre* shall, in addition, consist of—

Four lieutenants or second-lieutenants, of whom two shall be Spanish and two French.

Three non-commissioned officers, of whom one shall be Spanish and one French.

ARTICLE 5.—Should any of these European officers or non-commissioned officers be promoted to a higher rank during the period of their contract they shall be replaced by other officers or non-commissioned officers of the rank laid down in Article 4 above.

ARTICLE 6.—The native Moroccan strength shall be fixed at 3 *caïds* and 250 men, including non-commissioned officers. The distribution of officers and men shall be fixed by the International Legislative Assembly, with the approval of the Committee of Control. Modifications may be made in the light of experience.

The strength of horses shall be fixed in principle at fifty.

ARTICLE 7.—A contract, drawn up between the Tangier Administration and the European officers, shall lay down the conditions of their appointment, and the amount of their salary, which shall be disbursed by the Director of Finance.

###### (II)—*Recruitment*

ARTICLE 8.—The gendarmerie shall consist of Moroccan *caïds*, non-commissioned officers, corporals and private soldiers of good character.

The men shall not be less than 24 and not more than 45 years of age.

ARTICLE 9.—For the formation of the gendarmerie, the non-commissioned ranks and Moroccan private soldiers shall be recruited in equal numbers from each of the police *tabors*. Equality between the Spanish and French elements shall be maintained both when the strength of the force is reduced and when vacancies occur.

ARTICLE 10.—The recruitment of private soldiers shall be effected by means of short-term enlistment and re-engagement.

Enlistment shall be for a period of three years.

Re-engagement shall be for a period of from one to three years, and carries with it an increase in pay.

The amount of pay and the increase shall be fixed by the International Assembly with the approval of the Committee of Control.

#### (III)—*Functions of the Commandant—Discipline*

ARTICLE 11.—The commandant of the gendarmerie has all the functions of a commanding officer.

He is responsible for the training, discipline and the administration of the unit.

As regards the organization of duties and discipline for both the European staff and for the Moroccan officers and private soldiers, regulations shall be drawn up which shall be based on the principles common to the regulations of the French gendarmerie and the Spanish *guardia civil*.

The commandant of the gendarmerie and the second in command shall exercise over the officers and non-commissioned officers of their own nationality the authority conferred on them by the regulations in force in their respective armies. The commandant of the gendarmerie may also on his own responsibility forward to the Administrator of Tangier a report with recommendations in regard to the officers and non-commissioned officers who are not of his own nationality. The Administrator shall forward this report to the consul of the nationality to which the officer or non-commissioned officer concerned belongs.

#### (IV)—*Salutes*

ARTICLE 12.—The gendarmerie is responsible for manning the battery for the purpose of the usual salutes.

#### (V)—*Transitional Period*

ARTICLE 13.—For a period of twelve months from the date of the formation of the Tangier gendarmerie, its strength will be fixed at 400 men, including non-commissioned officers, and fifty horses, but shall be reduced on the expiry of that period to the strength laid down in Article 6.

In view of the transitional character of this provision the European *cadre* laid down in Article 4 shall not be modified.

The number of *caïds* may during the initial period be eight. They shall be recruited in accordance with the conditions laid down in Article 9 and their strength shall be progressively reduced to that fixed in Article 6.

#### ANNEX

#### SHEREEFIAN DAHIR ORGANIZING THE ADMINISTRATION OF THE TANGIER ZONE.<sup>3</sup>

##### CHAPTER I. *General Clauses*

###### ARTICLE 1

Within the region defined in Article 2 hereunder and styled the Tangier Zone, we delegate general and permanent authority by these presents to an International Administration, subject to the exercise of our rights and powers over our subjects in this Zone—which rights and powers shall be exclusively exercised by our Mendoub and our Shereefian officials at Tangier—and subject to due respect for our prestige as head of the Mussulman community of our Empire and head of the Shereefian family residing at Tangier, which will be safeguarded in conformity with the assurances given by the Government of the French Republic to our predecessor in regard to the whole of Morocco.

This general and permanent delegation of authority shall not apply to diplomatic matters, concerning which there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30, 1912. The International Administration shall, however, be entitled to negotiate with the consuls of the Powers at Tangier on questions of interest to the aforesaid Zone within the limits of its autonomy.

###### ARTICLE 2

The Tangier Zone shall lie within the boundaries fixed by paragraph 2 of Article 7 of the Franco-Spanish Convention of the 27th November, 1912.

###### ARTICLE 3

The members of our Shereefian family who have reigned over our Empire and reside in the Tangier Zone shall enjoy therein special consideration and respect.

All articles entering or leaving the customs for their use shall, as in the case of articles intended for our own use, continue to be exempt from customs duty.

##### CHAPTER II. *Authorities of the Tangier Zone*

###### ARTICLE 4

We entrust to our Mendoub the duty of exercising over our subjects within the Tangier Zone, in conformity with the rules and traditional customs of our

<sup>3</sup> English translation from League of Nations Treaty Series, Vol. 28, p. 587 *et seq.*, with amendments given in British Treaty Series No. 25, 1928.

Empire, the administrative and judicial powers devolving on *Pashas* and *Caid*s in Morocco. In the exercise of these functions our Mendoub shall be assisted by two Khalifas designated by us for this purpose.

The Shereefian Mendoub shall preside over the International Legislative Assembly provided for hereinafter. He may take part in its discussions, but will not vote.

He shall sign for promulgation and execution the laws or regulations passed by the Assembly, provided the Committee of Control has not exercised its right of veto.

The President of the Committee of Control shall countersign the enactments in question.

It will be his duty to see that public peace and order and the general provisions of the Statute of the Zone are respected by the populations subject to his administration. He may, for this purpose, request the Administrator to grant him the assistance of the armed forces of the Zone.

He must also see that the duties and taxes due from our subjects and legally levied in the Zone are collected without distinction of nationality or religion.

The Shereefian Mendoub shall have the right to expel Moroccan subjects.

He will exercise the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of this court given according to the procedure laid down in Article 29 of the Convention of December 18, 1923.

Expulsion must be ordered if it is demanded by the consul of the individual concerned.

The Mendoub shall quote the decision of the court in the recitals of the expulsion order.

#### ARTICLE 5

The budget of the Zone shall contribute annually a lump sum of 125,000 Moroccan francs towards the expenses of the native administration.

The payments to be made out of this sum must be approved by the Director of Finance.

#### ARTICLE 6

On the appointment and under the direction of our Shereefian Maghzen, the *Cadi*, the members of the *Chraâ*, and agents of the *habous*, and, in general, of the other administrations connected with institutions which concern the personal status and the religion of our subjects shall continue in the exercise of their functions in the forms and according to the traditional customs prevailing in our Empire.

#### ARTICLE 7

The free practice of the religion of Moroccan subjects and its traditional customs shall be respected and guaranteed. Their religious festivals and ceremonial shall be maintained provided that public order is not disturbed.

## ARTICLE 8

Our Mussulman and Jewish subjects shall enjoy complete equality with the nationals of the Powers in the matter of duties and taxes of all kinds. They shall punctually pay such duties and taxes.

They shall have the benefit, under the same conditions as foreign nationals, of any relief, hospital or educational institutions which may be created or subsidized by the Zone.

## ARTICLE 9

The international body entrusted, subject to the foregoing reservations, with the administration of the Tangier Zone in our name and in virtue of our general delegation of powers shall consist of an International Legislative Assembly and an Administrator whose respective powers will be defined hereinafter. The exercise of these powers shall be subject to the supervision of a Committee of Control.

Our Shereefian Government cannot be held responsible in respect to claims due to circumstances arising in the Tangier Zone as a result of the administration of the international body.

## ARTICLE 10

The Administration of the Zone shall ensure public order and, unless otherwise provided, shall introduce all the administrative, economic, financial and judicial reforms it considers advisable.

## ARTICLE 11

The Administration of the Zone shall respect the treaties at present in force between us and the Powers.

International agreements to which all the Powers signatories of the Act of Algeciras are contracting parties or shall have acceded shall apply automatically to the Tangier Zone.

In case of any divergence between the provisions of these treaties and the laws and regulations passed by the International Legislative Assembly, the provisions of the treaties shall prevail.

The Administration of the Zone shall specially ensure the observance of Articles 3, 7 (paragraph 2), 8 (paragraph 3), 10, 11 and 12 of the Convention of December 18, 1923.

## ARTICLE 12

International agreements concluded in the future by our Shereefian Majesty shall only extend to the Tangier Zone with the consent of the International Legislative Assembly. The same applies to our decrees issued in accordance with Article 5 of the Protectorate Treaty of the 30th March, 1912.

By exception the following shall apply automatically to Tangier:

(1) International agreements of which the Powers signatories of the Act of Algeciras are contracting parties or to which they have adhered.

(2) Our decrees referred to above when they are issued in order to modify the organic texts of the Zone in conformity with agreements concluded or to be concluded for the revision of the Tangier Statute by the Powers signatories of the Convention of the 18th December, 1923, as revised.

(3) All legislation in force in both the French and Spanish Zones relating to—

(a) The operation of the postal and telegraphic services to foreign countries and the unification of their tariffs.

(b) The trade in arms and ammunition and their use.

#### ARTICLE 13

In virtue of the provisions of Articles 141 *et seq.* of the Treaty of Versailles, of Articles 96 *et seq.* of the Treaty of Saint-Germain-en-Laye, and of Articles 80 *et seq.* of the Treaty of Trianon, the provisions of the present Statute can in no case be invoked by German, Austrian or Hungarian nationals, and the provisions of our *Dahirs* of January 9, 10, and 11, 1920, of January 11, 1921, and of August 8, 1922, concerning the status of German nationals and goods coming from Germany, and of our *Dahirs* dated September 6, 1920, and January 8, 1921, concerning trade with Austria and Austrian nationals, shall apply to the Tangier Zone.

#### ARTICLE 14

The International Administration may not, without previously coming to an agreement with the authorities of the other two Zones, regulate—

(a) Questions concerning the coasting trade and all other matters connected with customs questions which concern Moroccan ports as a whole;

(b) Inter-Zone posts, telegraphs and telephones.

#### ARTICLE 15

The yield of the taxes and the resources of every description in the Zone shall be used to meet the expenditure of the Zone in the manner indicated below.

#### ARTICLE 16

The Shereefian Government cannot, on any ground, be called upon to bear any share of the expenditure of the Tangier Zone except as regards the salaries of native officials directly appointed by us.

#### ARTICLE 17

Inasmuch as the administration of the Tangier Zone cannot prejudice the rights, prerogatives and privileges formerly granted by our Government to



bondholders of the 1904 and 1910 loans, to the State Bank of Morocco and to the *Société internationale de Régie coïntéressée des Tabacs au Maroc* throughout the whole territory of the Empire, these rights, prerogatives and privileges shall be respected by the International Administration which has, in particular, to ensure the observance of Articles 21, 22 and 24 of the Convention dated December 18, 1923.

### CHAPTER III. *Committee of Control*

#### ARTICLE 18

We entrust to a Committee of Control, consisting of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or their substitutes *de carrière*, and constituted in conformity with the provisions of Article 30 of the Convention of December 18, 1923, the duty of ensuring the observance of the provisions of the Statute of the Tangier Zone as laid down in the Convention of December 18, 1923, and in the present *Dahir*.

All the texts of the laws and regulations voted by the International Assembly shall be submitted to the Committee of Control in the manner indicated in Article 31 of the Convention of December 18, 1923.

The meetings of the Committee of Control shall not be public; but the minutes of these meetings shall, unless the committee otherwise decides, be kept on the spot so as to be entirely or partly at the disposal of those members of the Assembly who desire to consult them.

#### ARTICLE 19

The Committee of Control shall have the right to summon and hear the Administrator of the Zone, who will be accompanied, if needs be, by the heads of the services concerned.

### CHAPTER IV. *International Legislative Assembly*

#### ARTICLE 20

The International Legislative Assembly is the legislative authority.

It is presided over by the Mendoub and is composed of twenty-seven members drawn as follows from the foreign and native communities:

- 4 French members,
  - 4 Spanish members,
  - 3 British members,
  - 3 Italian members,
  - 1 American member,
  - 1 Belgian member,
  - 1 Dutch member,
  - 1 Portuguese member,
- nominated by their respective consulates,

- 6 of our Mussulman subjects nominated by our Mendoub, and
- 3 of our Jewish subjects, chosen by our Mendoub from a list of nine names submitted by the Jewish community of Tangier.

The same procedure shall be followed, within three months of the vacancy, to replace a deceased or retired member.

#### ARTICLE 21

Every member of the International Assembly must be in occupation, as owner or tenant, of premises assessed in the urban tax register at an annual rental of 600 Moroccan francs, or on the corresponding rural tax register at a similar rental. He must not be under 25 years of age and must have been resident for the previous year within the Tangier Zone.

Consulate officials *de carrière* and officials paid by the Administration of the Zone may not be members of the International Assembly.

Foreign members must be nationals of the country whose consulate nominates them.

Any member of the Assembly absent from the Tangier Zone, may, by notice in writing, dated, signed and addressed to the President of the Assembly, empower one of his colleagues to vote in his place. No member of the Assembly may have more than two votes.

#### ARTICLE 22

The term of office of the International Legislative Assembly shall be for four years. On the expiration of this period a new Assembly shall be constituted within a month.

The powers of the members of the Assembly may be renewed.

The members of the Assembly shall not receive any payment for their services.

The Assembly is presided over by our Mendoub, assisted by a French vice-president, a Spanish vice-president, a British vice-president and an Italian vice-president, nominated each year by the Assembly.

The Assembly shall meet in ordinary session every month and in extraordinary session whenever its President or the Administrator deems it necessary, or when nine of its members so request in writing.

The questions which the Assembly is called upon to discuss shall be placed on the agenda by the Administrator in agreement with the standing committee. No question which is not within the competence of the Assembly may be included in its agenda.

The Assembly may not, for instance, on its own initiative open discussions on subjects which would involve an agreement of the Moroccan Government with the Powers.

Should the standing committee refuse to place a question on the agenda, an appeal may be made from this decision to the Committee of Control by means of a request, accompanied by a statement of the reasons on which it is

based and signed by nine members of the Assembly, or by means of a request from the Administrator accompanied by a statement of the reasons on which the request is based.

#### ARTICLE 23

A quorum of eighteen members, either present in person or duly represented, shall be necessary for the lawful transaction of business in the Assembly.

In the absence of a quorum, the Administrator, in agreement with the standing committee, shall issue a second summons for a new meeting, which may not, however, take place until forty-eight hours have elapsed. The decisions of this second meeting shall be valid, whatever may be the number of members present.

The Assembly shall take its decisions on a majority vote of the members present or represented. If the votes are equally divided, the proposal voted on will not be adopted.

Members of the Assembly may not take part in decisions concerning matters in which they are directly interested either personally or as agents.

#### ARTICLE 24

The Administrator shall participate in an advisory capacity in the discussions of the Assembly. He may be assisted by one or more heads of services.

#### ARTICLE 25

The texts of the laws and regulations voted, as well as the discussions and decisions of the Assembly, shall be transmitted to the Committee of Control through the Administrator within the space of eight days.

#### ARTICLE 26

The Committee of Control shall immediately annul all resolutions and decisions—

- (1) which are contrary to the law or the treaties;
- (2) which relate to any question foreign to the powers and duties of the Assembly, or which have not been adopted at a regularly constituted meeting;
- (3) in which a member of the Assembly directly interested, either personally or as an agent, in the question under consideration, shall have taken part.

#### ARTICLE 27

Laws and regulations voted by the Assembly, which have not been vetoed by the Committee of Control within the period provided for in Article 31 of the Convention of December 18, 1923, shall only acquire executive force

after they have been promulgated by our Mendoub and countersigned by the President of the Committee of Control.

Decisions concerning matters directly or indirectly connected with the finances of the Zone or the organization of the international administration of the Zone shall also acquire executive force only on the same conditions.

#### ARTICLE 28

The judicial codes referred to in Article 48 of the Convention of December 18, 1923, may only be repealed or modified after unanimous agreement has been reached between the French and Spanish Zones of influence of our Empire and the Committee of Control.

The texts of regulations and fiscal enactments referred to in Article 32 of the Convention of December 18, 1923, may neither be repealed nor modified during a period of two years as from the coming into force of the statute. On the expiration of this period, they may be repealed or modified with the consent of a three-fourths majority of the Committee of Control.

#### ARTICLE 29

The Assembly may be dissolved by a decision of the Committee of Control, accompanied by a statement of the reasons on which it was based, and adopted by a three-fourths majority. Such dissolution must, as far as circumstances permit, only take place after previous warning.

In the event of dissolution, a new Assembly must be constituted within one month.

#### ARTICLE 30

The Assembly shall draw up its rules of procedure as soon as it is constituted, and in any case not later than three months after such date. These rules of procedure shall be submitted to the Committee of Control for approval.

If within this period the Assembly has not adopted its rules of procedure, the Committee of Control shall lay down provisional rules of procedure which shall apply to the Assembly until it has itself established definitive rules.

### CHAPTER V. *International Administration of the Zone*

#### ARTICLE 31

The executive power shall be vested in the Administrator, who shall represent the international body in its relations with third parties and shall transmit the decisions of the Assembly to the Committee of Control. He shall communicate these decisions to the heads of the services concerned, who will carry them into effect on his responsibility.

The Administrator possesses no independent power; he shall carry out the decisions of the Assembly.

## ARTICLE 32

The Administrator shall have under his orders three assistant administrators: a first assistant, who acts for him during his absence and who, under his direction, is especially responsible for the services of health and relief; a second assistant, who, under his direction, is especially responsible for the financial services; and a third assistant, who, under his direction, is especially responsible for the services relating to the administration of justice.

The other administrative services shall be under the immediate direction of the Administrator.

## ARTICLE 33

The police of the Zone shall comprise—

1. A force of gendarmerie composed of 250 men and constituted in accordance with the provisions of Article 47 of the Convention of the 18th December, 1923, as revised.

2. A civil police, composed of Europeans and natives, the strength of which shall be fixed by the Assembly. The police shall be placed under the orders of a commissioner appointed by the Assembly on the nomination of the Administrator.

## ARTICLE 34

The status of the officials of the International Administration shall, as regards promotion, salaries and discipline, form the subject of a regulation to be submitted by the Administrator to the Assembly. This regulation must be approved by the Committee of Control.

## ARTICLE 35

The Tangier Zone must create a provident fund for officials and employees of the International Administration.

The rules for the organization of this provident fund, drawn up by the Administrator, must be approved within one year by the International Assembly, failing which they shall be established on the sole authority of the Committee of Control.

## ARTICLE 36

The appointment of officials of the International Administration, other than those specified in Article 35 of the Convention of the 18th December, 1923, as revised, shall be effected by a committee presided over by the Administrator and composed of the four vice-presidents of the Assembly and of the head of the service concerned.

The committee must assure themselves by seeking information from the candidate's consul that he has a satisfactory record. The required information must be given within a month from the date on which it is sought.

Otherwise the committee may proceed with the appointment of the candidate.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

#### ARTICLE 37

The Assembly may not decide to create any new service unless it obtains the approval of a three-fourths majority of the Committee of Control.

#### ARTICLE 38

Internal regulations concerning the International Administration shall be submitted by the Administrator to the Assembly and to the Committee of Control for approval.

### CHAPTER VI. *Resources and Budget of the Zone*

#### ARTICLE 39

The resources of the Zone shall consist of the total yield of taxes, dues and public revenue collected within the territory of the Zone.

#### ARTICLE 40

The Shereefian State shall transfer its public and private property, including its rights over the "guich" lands to the Tangier Zone, which shall administer it, collect the revenues therefrom for its own benefit and ensure its preservation without power to alienate any portion thereof.

This transfer will terminate on the expiry of the convention dated December 18, 1923, and the property transferred to the Zone will then revert to the Shereefian State.

#### ARTICLE 41

The public state property comprises:

(a) Maritime property: The sea and the shore with a foreshore of six metres, certain rights over which have already been ceded under the concession granted to the port concessionary company. These rights shall be respected by the Tangier Zone. The fishery revenues, including the royalties payable to the state under the fishery concessions already granted by the Shereefian Government, as well as obligations arising from these concessions, shall accrue to the Tangier Zone.

(b) Land property.

The road from Tangier to Tetuan.

The road from Tangier to Larache and to Rabat.

The road to Cape Spartel.

The road from the station to the harbor and skirting the harbor.

The urban highways.



The sewers and water ducts and their appurtenances, subject to the rights of any holders of water concessions.

The Zone shall:

1. Maintain the roads from Tangier to Tetuan and those from Tangier to Larache and to Rabat within the Tangier Zone as a first charge on the proceeds of the "Taxe Spéciale";

2. Place at the gratuitous disposal of the Franco-Spanish Tangier-Fez Railway Company such state property as may be necessary for its requirements.

(c) Fluvial property.

The watercourses.

All existing rights and all rights of user in favor of third parties are reserved.

(d) Mining property.

The mining dues in the Tangier Zone and the export duties collected on minerals raised in the zone shall accrue to the Administration of the Zone.

(e) Forest property.

#### ARTICLE 42

The private state property comprises all real estate, both land and buildings, inscribed in the registers of the Maghzen property and not mentioned in the preceding article, as also the slaughter houses.

Subject to the provisions of Article 15 of the Convention of December 18, 1923, the leases and holdings of Maghzen property by private individuals, as also the *gza* or other rights duly established on the said properties, shall be respected. The same shall apply in the case of any uses to which such lands may have been put in the public interest.

The Shereefian State, however, reserves to itself the following properties for the public services which it maintains at Tangier:

The former German Legation and its dependencies;

Our Shereefian Palace;

The Kasba and its dependencies;

The guard-house of the Mokhaznis on the ramparts;

The land and the guard-house on the hill leading up to the Marshan now occupied by the *compagnie chérifienne*.

No new lease beyond those already in existence shall exceed the term laid down in the Statute of Tangier.

#### ARTICLE 43

The Tangier Zone shall be absolute owner, and may dispose freely, of any immovable property which it may acquire for a consideration, or construct, or accept as a gift or legacy under the conditions laid down in the regulations of the Zone.

## ARTICLE 44

Any property belonging to us personally is expressly excluded from private state property.

## ARTICLE 45

The International Legislative Assembly, either on its own initiative or on the proposal of the Administrator, shall be entirely free to levy such taxes and duties as it may consider necessary, subject to the approval of the Committee of Control.

These taxes and duties shall be levied without distinction on nationals of the Powers and on Moroccan subjects.

## ARTICLE 46

The ordinary budget of the Tangier Zone shall be divided into two parts:

General revenue and expenditure;

Municipal revenue and expenditure.

The main items of general revenue will be provided by:

The customs.

Consumption taxes on sugar, tea and coffee, beers, candles, alcohol and colonial produce.

Yield of the special  $2\frac{1}{2}$  per cent tax on imports.

Yield of the registration and stamp taxes.

State property revenues.

The urban tax.

The tax on commercial and industrial profits.

The tertib.

Profits from the sale of tobacco.

The main items of general expenditure will be:

The contribution to the 1904 and 1910 loans.

Share in the expenses of the Franco-Spanish Tangier-Fez Railway.

The service of the guaranteed loans of the Port Company.

The cost of the Administration of Justice, the Central Administration and the collection of taxes.

The police force.

The maintenance of roads and public works.

The first three categories of expenditure referred to above are to be regarded as obligatory, and shall be met as a first charge out of the yield of the customs and consumption taxes. The customs service shall be administered in conformity with the provisions of Article 39 of the Convention of December 18, 1923.

The main items of municipal revenue will be:

The gate tax.

Slaughter-house tax.

Market dues.

Taxes for the upkeep of roads and bridges.

The main items of municipal expenditure will be:

The cost of administration.

Expenditure on roads, &c.

Town cleaning and lighting.

Municipal police.

Hygiene and relief.

The upkeep of slaughter-houses.

The Legislative Assembly may decide upon any other categories of revenue and expenditure it may deem necessary.

#### ARTICLE 47

The rules of public accountancy shall be those laid down in our Dahir of this date, applied under the conditions specified in Article 32 of the Convention of December 18, 1923.

#### ARTICLE 48

Apart from the obligatory expenditure all orders for payment shall be issued by the Director of Finance.

Apart from the yield of the customs and consumption taxes, the collection of revenue and the payment of expenses shall be effected by an accountant appointed by the Committee of Control.

#### ARTICLE 49

If in the course of the year of account supplementary credits become necessary, the same procedure shall be followed as in the case of the framing of the original budget.

#### ARTICLE 50

Should the Tangier Zone contract loans, an extraordinary budget shall be established.

#### ARTICLE 51

It shall be the duty of the Mixed Court to audit the accounts with the assistance of two technical assessors, not officials of the Zone Administration, who shall be entitled to take part in the discussions and to vote.

#### ARTICLE 52

The Administrator, with the assistance of the Director of Finance, shall prepare the budget and submit it to the Assembly for approval two months before the commencement of the year of account.

He shall ensure its execution and shall be responsible for the closed accounts. The latter must also be submitted to the Assembly for approval not later than three months after the close of the year of account.

## ARTICLE 53

The draft budget and closed accounts shall be communicated to the Committee of Control.

In the event of excessive expenditure or any other difficulty, it shall refer the draft budget back to the Assembly and invite the latter to take the necessary steps to balance the budget.

It shall satisfy itself that the yield of the customs and consumption taxes is sufficient to cover the obligatory expenditure, and if not, it shall assign for the integral payment of this expenditure such other sources of revenue as it may deem necessary.

It shall also satisfy itself that adequate provision is made for the essential services of the Zone.

If the budget has not been voted by the Assembly when the year of account commences, the Committee of Control may order its application by monthly votes on account on the basis of the budget estimates for the previous year.

## ARTICLE 54

All lists, returns of yield and documents concerning collection shall be rendered executory by the Administrator.

The Assembly, following the procedure usual in such matters, shall draw up a regulation concerning the recovery of claims in the Zone and the legal procedure to which such recovery may give rise.

CHAPTER VII. *Miscellaneous Provisions*

## ARTICLE 55

Provided the public regulations are observed, all schools and establishments in the Tangier Zone belonging to the Powers signatories of the Act of Algeciras, or to their nationals, on the date on which the statute came into force, may be maintained and shall retain complete autonomy as regards their internal organization under the supervision of the authorities of their country of origin.

New establishments which may subsequently be created must conform to the regulations which will be promulgated in accordance with the provisions of Article 12 of the Convention of December 18, 1923.

## ARTICLE 56

Arabic, Spanish and French shall be the only official languages of the Tangier Zone. The Legislative Assembly shall regulate their use.

Laws and regulations must be published in the three languages.

## ARTICLE 57

At public ceremonies the order of precedence of the higher officials at Tangier shall be as follows:

The Mendoub.

The President of the Committee of Control.

The Members of the Committee of Control.

The Members of the Mixed Court.

The Vice-Presidents of the Assembly.

The Administrator.

(Signed) BEAUMARCHAIS

(Signed) ARNOLD ROBERTSON

(Signed) G. H. VILLIERS

(Signed) MAURICIO LOPEZ ROBERTS

*Marquis de la Torrehermosa*

(Signed) M. AGUIRRE DE CARCER

## ANNEX

DAHIR CONCERNING THE ORGANIZATION OF AN INTERNATIONAL TRIBUNAL AT TANGIER <sup>4</sup>

## ARTICLE 1

An international tribunal, called the Mixed Court of Tangier, shall be established at Tangier.

This tribunal is composed of—

1. As permanent [titulary] members, a Belgian magistrate, a British magistrate, a Spanish magistrate, a French magistrate and an Italian magistrate.

2. As assistant members: subjects or citizens of each of the Powers signatories of the Act of Algeciras, excepting Germany, Austria and Hungary, these subjects or citizens being chosen from among leading persons over 25 years of age who have been resident in the Tangier Zone for more than one year.

The titulary members of the Mixed Court of Tangier will be appointed by a Dahir of our Shereefian Majesty on the nomination of their respective governments. They shall receive a salary to be fixed hereinafter. They shall not be entitled during their term of office to exercise any other profession. Any titulary member may be relieved of his duties by a Dahir promulgated by us on a decision to that effect by a full meeting of the titulary members and by the government which nominated the member in question.

The list of assistant members of the Mixed Court shall be drawn up by the titulary members at a full meeting, on the basis of the separate list of his

<sup>4</sup> English translation from League of Nations Treaty Series, Vol. 28, p. 615 *et seq.*, with amendments contained in British Treaty Series No. 25, 1928.

nationals which each consul presents. The powers of the assistants shall be exercised for a period of three years and may be renewed. These honorary magistrates shall be free to carry on any calling, trade, industry or liberal profession except that of advocate at the Mixed Court, or at any other Tangier jurisdiction, but shall not be entitled to occupy a public post. A full meeting of the titular members may remove an assistant member on notice to that effect being given by the consul of the state of which the magistrate concerned is a national.

Before entering upon his duties each titular and assistant member shall take before the titular members sitting in public session the following oath: "I swear and promise to do my duty well and faithfully, to observe conscientiously the secrecy of discussions and to conduct myself in every way as a worthy and loyal magistrate."

#### ARTICLE 2

Of the titular magistrates one shall discharge the duties assigned by the law to a justice of the peace, and another shall fulfil the duties of an examining magistrate.

#### ARTICLE 3

Questions concerning the competence of the chamber for the institution of prosecutions shall be decided by a section consisting of one titular member as President, and two assistant members.

#### ARTICLE 4

Another section of the Mixed Court, also consisting of a titular member as President and two assistant members shall discharge in civil, commercial, administrative and disciplinary cases the duties devolving on a court of first instance. This section shall adjudicate as a court of appeal on matters judged in the first instance by the justice of the peace provided such appeal is admissible, regard being had to the nature and importance of the questions thus referred to it in second instance.

In litigation concerning immovable property, the section composed as described above shall co-opt two Mussulman jurists as advisers, but without the right to vote. These jurists, together with two substitutes, shall be appointed annually by the titular members in a full meeting out of a list of eight candidates submitted by our Mendoub.

#### ARTICLE 5

An appeal from decisions given in first instance by the section established under the preceding article may be made to the three titular magistrates who have not been concerned in the judgment impugned, aided in all instances by two assistant members who have taken no part in the case, and also, in matters regarding immovable property, by two Mussulman jurists



acting in an advisory capacity. The latter must also be chosen from among those who have not participated in giving judgment in first instance, and shall be selected from the list referred to in Article 4 above.

The senior, or in case of equal seniority the elder, titular magistrate on the panel judging the case shall be president of this Court of Appeal.

If one of the three titular magistrates called upon to constitute this higher court is prevented from sitting, assistant members may sit to the number of three, but the court cannot be constituted unless it includes at least two titular magistrates. If the Court of Appeal consists of two titular and three assistant members and the two titular members are placed in a minority by the three assistant members, the case shall, at the request of the two titulars, be referred to the Court of Appeal consisting of the three titular and two assistant members who have not taken part in the first deliberation.

No further appeal shall lie from the decisions of this court.

#### ARTICLE 6

If the parties to a civil action, or the accused in a criminal action, are of the same nationality, two of the assistant members of this nationality shall be called upon to constitute the Section of First Instance or the Section for Prosecutions, or the Court of Appeal.

If the parties or accused are nationals of two different countries each of which possesses assistant members in the Mixed Court, the above-mentioned sections and courts of appeal shall include an assistant of each of the nationalities concerned.

If the parties or the accused are nationals of more than two different countries, each of which is represented in the Mixed Court, the two assistant members who are to sit shall be selected by lot from the lists of the states whose nationals are concerned. The lots shall be drawn by the President of the section or of the Court of Appeal three days at least before the hearing of the case, in the presence of the magistrate entrusted with the legal representation of the public interests, the clerk of the court and the parties or their representatives; the latter must at least have been summoned in due form.

If one of the parties or one of the accused is a national of a state which has not a sufficient number of assistant members to constitute the court in due form, he may designate the nationality of the assistant member or members whom he desires to try the case. Should he fail to notify his choice within the period assigned to him by the President of the section or of the Court of Appeal, the President himself shall make the choice. After the nation which is to provide either one or two assistant members has thus been designated, the section or Court of Appeal shall be constituted according to the rules and regulations set out in the three preceding paragraphs.

If, in the exceptional case in which the Court of Appeal has to be con-

stituted with three assistant members, the parties are nationals of two different states and if it is thus impossible to apply the rule laid down in paragraph 2 of this article in its entirety, the nationality of the third assistant member shall be settled by drawing lots under the conditions laid down in paragraph 3 of the present article.

Assistant members of the same nationality shall serve in rotation in accordance with the provisions of regulations to be drawn up by the titular members in a full meeting.

For the purposes of the present article public administrations shall be assimilated to justiciable persons who do not possess, in the Mixed Court, assistant members of their nationality. It is their duty, therefore, to fix the nationality of the assistant member or members whom they desire to sit in the section or Court of Appeal dealing with their case. The same shall apply to joint stock companies having their head offices in Morocco.

#### ARTICLE 7

Every year before October 2, a full meeting of the titular members will be held to allocate, as between the titular magistrates for the judicial year which begins on the date of this meeting, the duties referred to in Articles 2, 3 and 4.

This allocation of duties shall not involve any difference in rank as between the various titular members.

One and the same titular member may, moreover, fulfil several of the duties enumerated in the foregoing articles. In serious criminal cases, however, titular members who have submitted information in connection with a case or who have had cognizance of the matter as members of the Section for Prosecutions may not sit on the bench. This disqualification shall not apply in the case of misdemeanors.

#### ARTICLE 8

If a titular member who is acting as President of the Section for Prosecutions or of the Section of First Instance, or as justice of the peace or examining magistrate, is absent on account of illness or other cause, a full meeting of the titular members will be held without delay either on their own initiative or on the proposal of the representative of the public interests, in order to appoint a temporary substitute for the magistrate who is absent on account of illness or other cause.

The full meeting of members may also, by unanimous decision, appoint a titular member to act as a justice of the peace concurrently with the magistrate who is already fulfilling these same duties if pressure of work renders this step necessary. In such case the titular member appointed as the second justice of the peace shall continue to perform the special duties entrusted to him under the terms of Article 7. The special powers delegated to him as a justice of the peace shall be conferred on him for a definite period,

such period not to exceed three months in any one judicial year. The President of the Section of First Instance shall allocate cases as between the two commissioners sitting concurrently as justices of the peace.

#### ARTICLE 9

On the first Monday in March, July and November each year the Criminal Court shall meet to try persons sent up to it for trial on criminal charges.

It shall be presided over by the President of the section sitting as a Court of First Instance, or if this magistrate is prevented from so doing, by another titular member appointed by a full meeting of the titular members in conformity with the final provisions of Article 7. A jury of six shall assist the President in determining the guilt of the accused. The President shall pronounce the sentence.

A person cannot be found guilty unless the President concurs. If the President does not concur with the jury in finding the accused guilty, the case shall be adjourned until the next session of the Criminal Court presided over by a titular magistrate appointed by a full meeting of the titular members other than those magistrates who have had cognizance of the case as examining magistrate or President of the Section for Prosecutions. The accused shall be finally acquitted unless, at the following session, the majority find him guilty, and the President concurs.

#### ARTICLE 10

If the accused is one of our subjects, the jury shall consist of three of our subjects, one Spanish subject, a French citizen and either a British subject or an Italian citizen.

If the accused is a national of a state other than Morocco, the members of the jury shall be drawn by lot from the list of jurors of the same nationality as the accused. Should there be no special list for the nation to which the accused belongs, the accused may select the nationality of the list of jurors before whom he desires to be tried and the jurors shall be drawn by lot from the list of this nationality. The President of the Criminal Court shall inform the accused of his rights in this respect at least ten days before the opening of the session. Should the accused not avail himself of this right within twenty-four hours of receiving such notice from the President, the jury shall be composed of six members, of whom not more than two may be of the same nationality, chosen from the lists of British, Spanish, French and Italian jurors.

If there are several accused of various nationalities, the jury shall be composed as far as possible of an equal number of jurymen of each of the nationalities concerned. But if the accused are nationals of four or five different nationalities, the jury shall include first of all one member of each of the nationalities concerned, the last remaining seat or the last two remaining seats being attributed by lot to one or two of the nationalities concerned.

The annual lists of jurymen and the lists of the sessions shall be drawn up in conformity with the rules laid down in the Code of Criminal Procedure.

#### ARTICLE 11

No appeal shall lie from the decisions of the Criminal Court. But we retain the right to remit or commute sentences for crimes, misdemeanors and minor offences pronounced by the courts set up under the preceding articles. Our royal reprieve shall be granted on the advice of the prosecuting magistrate and the President of the court which pronounced sentence.

Capital punishment may not be inflicted without our express consent following upon the regular and unanimous opinion of a full meeting of the titular magistrates.

#### ARTICLE 12

In cases of revision provided for in the Code of Criminal Procedure we may order a case which has been definitively decided by a court for penal offences to be submitted anew to a similar court composed of different elements. Our order shall be carried out by the representative of the public prosecutor.

#### ARTICLE 13

The legal representation of the public interests shall be ensured by two magistrates chosen respectively from the French and Spanish magistracy.

The French magistrate shall represent the public interests in the Section of First Instance and in the Court of Appeal when these courts are sitting for the trial of misdemeanors. This magistrate may also forward to the examining magistrate any papers relating to the prosecution necessary for the institution, the conduct and the closing of judicial enquiries. He may enter pleas against the orders of the examining magistrate.

In the same way the Spanish magistrate shall represent the public interests in the Section of First Instance or the Court of Appeal, if these courts are sitting to try civil actions, in the Section for Prosecutions and in the Criminal Court. He may exercise his discretion as to whether he will take action in civil, commercial and administrative cases.

The duties connected with the legal representation of the public interests, as allocated above, shall be entrusted in turn to each of the two magistrates for a period of three years.

Each of these two magistrates shall have the title of "Public Prosecutor to the Mixed Court of Tangier." Each will, *ex officio*, act as substitute for the other if the latter is absent on account of illness or other cause. Before assuming their duties they will take the oath required of titular magistrates.

They shall take part in the discussions of the full meeting of titular magistrates in all cases in which this meeting has to decide questions of internal organization and, in particular, in the cases provided for in Articles 1, 4, 6, 7, 8, 9, 11, 14, 16 and 21, and in the last paragraph of the present article.

They shall be appointed and may be removed in the same way and under the same conditions as the titular members of the Mixed Court.

A Commissioner of Police, to be appointed by the full meeting, shall be attached to the magistrate who fulfils the duties of justice of the peace, to act as officer for the legal representation of the public interests.

#### ARTICLE 14

The office of the Mixed Court shall consist of one chief clerk, four clerks and two assistant clerks, who shall be appointed by Dahir issued by our Majesty on the recommendation of the assembly-general of magistrates.

These officials shall be exclusively remunerated by a fixed salary, the amount of which shall be fixed later.

They are responsible for all duties which normally devolve on the clerk, the notary, and the accountant of the court. They also put into effect the orders of the magistrates as to summonses, notifications, execution and ascertainment of facts. Finally they perform the duties of official liquidator, receiver in bankruptcy and of curator of estates under the conditions laid down by the law.

The members of the office shall be of British, Spanish, French or Italian nationality. They must be at least twenty-five years of age. They may be dismissed by Dahir on the recommendation of the assembly-general of magistrates acting either on their own initiative or on that of one of the public procurators, but in any case after the official concerned has stated his case or at least has been invited to do so.

A Dahir shall fix the amount of the fees due to the treasury in respect of judicial procedure or office fees, and shall determine the conditions under which such fees shall be levied.

#### ARTICLE 15

A judicial interpreter in Arabic appointed by a full meeting of the titular members shall be attached to the Mixed Court. He shall receive a fixed salary, the amount of which shall be determined in a full meeting. If necessary, documents drawn up in languages other than Arabic may be submitted to expert translators for translation.

#### ARTICLE 16

Advocates at the Mixed Court of Tangier are entitled to give consultations and to plead before the court and its various sections.

They shall represent their clients before the court, its sections and the clerk's office; they shall submit in their name all necessary requests, memoranda, or conclusions without any special power of attorney being required.

No person may be entered as a member of the bar of the Mixed Court unless he fulfils the conditions, as regards qualifications, &c., required in the case of advocates under the laws of the Powers signatories of the Act of



Algeciras or unless he is entitled to plead at a court of one of these Powers, and is, moreover, unanimously selected by the titular members in a full meeting.

Advocates who are regular members of the bar or are entitled to plead at a court of one of the Powers signatories of the Act of Algeciras shall be admitted by the full meeting to plead at the Mixed Court and its sections: they may not, however, carry out written acts of procedure as the agents of their clients.

The duties and professional etiquette of advocates at the Mixed Court of Tangier shall be defined in a regulation drawn up by the titular members at a full meeting.

#### ARTICLE 17

The languages of the courts shall be French and Spanish, and the judgments and acts of the clerk's office shall be drafted or made out in one or other of these languages—at the choice of the magistrates in the case of judgments, and at the choice of the chief clerk in the case of acts of the clerk's office, each party being also entitled to employ French or Spanish in drawing up his requests and documents relating to procedure.

Notices and summonses in French or Spanish shall be valid, even though the party on whom they are served declares that he is unacquainted with the language in which they are prepared. But the party in question shall have the right to request the clerk's office to have these writs and summonses translated by an expert at his expense.

Pleadings shall be in Spanish or in French unless the President authorizes the use of another language.

#### ARTICLE 18

Justice shall be administered by the Mixed Court at Tangier and its sections in the name of our Shereefian Majesty.

#### ARTICLE 19

The Mixed Court of Tangier shall apply the codes and laws specially promulgated for the Zone.

#### ARTICLE 20

In view of the international character of the Mixed Court of Tangier, the decisions of the courts of the Powers signatories of the Act of Algeciras shall be executory without further formality in the Tangier Zone in the case of persons justiciable by the Mixed Court.

The titular members in a full meeting shall fix the conditions for verifying and determining the authenticity and regularity of judgments according to the laws of the country in which they were given.



## ARTICLE 21

In addition to the special duties imposed upon it under the previous provisions of the present Dahir, it shall be the duty of a full meeting of the titular members to take all necessary decisions for regulating the following matters:

1. Order and duration of leave of absence granted to titular magistrates, such leave of absence, however, not to exceed two and a half months per annum in any one case, including the time spent in traveling.
2. Opening and closing of the clerk's office; days and hours of the sittings of each court.
3. The choice of robes and insignia to be worn by the magistrates at a session of the court or on other official occasions.
4. The appointment of laborers, chaouchs and door-keepers, and the fixing of their wages; the purchase of office supplies, law books and periodicals within the limits of the funds provided.
5. Any other matters connected with the internal organization of the Mixed Court or any other matters of an internal nature.

## ARTICLE 22

The salary of the magistrates of the Mixed Court is fixed at 30,000 Moroccan francs. The magistrates shall receive in addition a yearly allowance of 14,000 francs in respect of lodging and foreign allowance.

(Signed) BEAUMARCHAIS

(Signed) ARNOLD ROBERTSON

(Signed) G. H. VILLIERS

(Signed) MAURICIO LOPEZ ROBERTS

*Marquis de la Torrehermosa*

(Signed) M. AGUIRRE DE CARCER

## SPECIAL PROVISIONS

*Signed at Paris July 25, 1928; ratifications deposited September 14, 1928*

[Translation.]<sup>5</sup>

The undersigned, duly authorized respectively by the Government of His Majesty the King of Spain, the Government of the French Republic, His Britannic Majesty's Government in Great Britain and the Government of His Majesty the King of Italy, have agreed upon the following special provisions relating to the agreements concluded this day concerning the Tangier Zone.

<sup>5</sup> British Treaty Series No. 25 (1928).

## I

The assistant-administrator in charge of the services relating to the administration of justice shall have under his authority the administrative services connected with the international tribunal, the prisons and the issue of official publications. He shall supervise the execution of the judgments of the Mixed Court in criminal matters. In addition he will discharge the functions of counsellor to the administration of the Zone in legal and legislative matters, always provided that he does not encroach on the functions of the other assistant administrators.

## II

In accordance with the provisions of the Tangier Statute the existing *tabors* shall be dissolved and replaced as soon as possible after the entry into force of the agreement revising the Convention of the 18th December, 1923, and signed this day, by a force of gendarmerie constituted in accordance with the provisions of the said convention as revised in Article 47 and by the regulations for the gendarmerie, also revised, which are annexed to that instrument.

## III

The codes drawn up in accordance with Article 48 of the Convention of the 18th December, 1923, relating to the organization of the Tangier Statute and revised this day shall be officially communicated to the Italian Government. They shall be provisionally applicable to Italian subjects from the date on which the agreement revising the said convention signed this day comes into force. On the expiration of two years from the said day the codes shall be submitted to a committee of jurists composed of British, Spanish, French and Italian representatives, which shall be entrusted with the task of examining the modifications which the Italian Government, and possibly other governments which have acceded to the said convention, may desire to propose. The committee shall draft the texts to be submitted to the Legislative Assembly. It must complete its work within three months from the date of its first meeting.

## IV

As regards the application of Article 48 of the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, and of Article 1 of the Shereefian *Dahir* of the 16th February, 1924, relating to the organization of an international tribunal at Tangier, the said convention and the said Shereefian *Dahir* having been revised in conformity with the agreements signed this day, it is agreed that:

1. The Italian magistrate shall take his seat on the Mixed Court of Tangier on the entry into force of the revised Statute.

2. The Belgian magistrate shall replace the first of the two British magistrates who shall cease to be a member of the court.

## V

The four governments undertake to cause a revised scheme for the international tribunal of Tangier to be elaborated by a committee of jurists which shall meet in Paris within six months from the date of signature of the present provisions. This committee shall take as a basis of its work the recommendations and drafts annexed to the minutes of the 29th meeting held on the 12th July, 1928, by the experts entrusted with the revision of the Tangier Statute.

The revised scheme shall in particular—

Place the directorship of the *Parquet* under one head;

Entrust the duties of the representative of the state before the Courts of First Instance and the Court of Appeal and the Criminal Court to a Spanish magistrate and a French magistrate respectively in alternate years; and before the police court to a Spanish inspector of police and a French inspector of police in the same way;

Create a presidency of the Mixed Court;

Make provision for a vacation court during the vacation of the Mixed Court;

Create a Court of Appeal, wholly separate from the other courts, on which may sit non-resident appeal judges who shall come periodically to hear appeals at Tangier. A special fee may be levied on all appellants, not poor persons, in addition to the usual court fees;

Take into account the desire expressed by the Spanish and French Governments to be represented by a magistrate of their nationality in the Court of First Instance and in the Court of Appeal;

Suppress the lay assessors of the Mixed Court, as permanent members of the international tribunal.

Provision might be made for a court of cassation composed of magistrates belonging to the Supreme Court of a country not represented in the international tribunal of Tangier.

## VI

In accordance with Article 49 of the Convention of the 18th December, 1923 relating to the organization of the Tangier Statute and revised this day, the diplomatic agency of Italy at Tangier shall be replaced by a consulate. The Italian Government, however, reserve the right to appoint a member of their diplomatic service to this consulate without claiming for him other rights, prerogatives and privileges than those attached to the functions of consul *de carrière* in the Tangier Zone.

## VII

The Government of His Majesty the King of Italy agree that Italian subjects shall be subject to the fiscal laws of the zone from the date of the deposit of the ratifications of the agreement signed this day revising the Convention of the 18th December, 1923 relating to the organization of the Tangier Statute.

## VIII

The present provisions shall be communicated by the Government of the French Republic to the Powers which have acceded to the Convention of the 18th December, 1923 relating to the organization of the Tangier Statute and also to the Government of the United States of America, as a signatory of the Act of Algeciras, at the same time as the agreements signed this day.

The present provisions done in four copies at Paris, the 25th July, 1928.

J. QUIÑONES DE LEÓN

BERTHELOT

CREWE

G. MANZONI

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beginning for the convenience  
of the microfilm user.





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